transfer to the States of certain lands acquired under the Bankhead-Jones Farm Tenant Act and held by such States under lease; to the Committee on Agriculture.

By Mr. MOULDER:

H. R. 4960. A bill to amend the act of July 31, 1945, to authorize Federal payments to the States in the case of certain toll bridges made free prior to January 1, 1953; to the Committee on Public Works.

By Mr. PHILLIPS:

H. R. 4961. A bill to authorize the establishment of the Palm Canyon National Monument, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BELCHER:

H. R. 4962. A bill to provide an increased penalty for the sale of narcotic drugs, to persons under 21 years of age, and for other purposes; to the Committee on Ways and Means.

By Mr. JACKSON of Washington:

H. R. 4963. A bill to authorize the construction, operation, and maintenance of certain fuel-fired electric generating plants in order to make it possible for the Department of the Interior to meet certain defense power requirements in the Pacific Northwest, and for other purposes; to the Committee on Public Works.

By Mr. McKINNON:

H. R. 4964. A bill to authorize the Secretary of the Navy to enlarge existing water-supply facilities for the San Diego, Calif., area in order to insure the existence of an adequate water supply for naval and Marine Corps installations and defense production plants in such area; to the Committee on Armed Services.

By Mr. DOYLE:

H. R. 4965. A bill to authorize the Secretary of the Navy to sell and convey to Sam Arvanitis and George Arvanitis a parcel of land consisting of one-quarter acre, more or less, situated at the Naval Ammunition and Net Depot, Seal Beach, Calif.; to the Committee on Armed Services.

By Mr. BARTLETT:

H. R. 4966. A bill governing the hospitalization of the mentally ill of Alaska, and authorizing the Secretary of the Interior to locate, establish, construct, equip, and operate a hospital for the mentally ill of Alaska and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VAN ZANDT:

H. Con. Res. 142. Concurrent resolution to establish the Joint Committee on Railroad Retirement Benefits; to the Committee on Rules.

H. Con. Res. 143. Concurrent resolution to provide funds for the expenses of the investigation and study authorized by House Concurrent Resolution 142; to the Committee on House Administration.

By Mr. ARMSTRONG:

H. Con. Res. 144. Concurrent resolution concerning the Secretary of State; to the Committee on the Judiciary.

By Mr. THOMAS:

H. Res. 357. Resolution to provide for an investigation of action taken by the Defense Production Administration and other agencies with respect to certificates of necessity for emergency facilities, in authorizing construction, and in making direct loans for plant expansion; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Delaware, memorializing the President and the Congress of the United States relative to an act providing that the State of Delaware may enter into a compact with any other State for mutual helpfulness in meeting any civil defense emergency or disaster; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATES of Massachusetts (by request):

H. R. 4967. A bill for the relief of Antonino Genovese; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H. R. 4968. A bill for the relief of Donato Calabrese and Carmela Catalano Calabrese; to the Committ e on the Judiciary.

By Mr. CAMP:

H. R. 4969. A bill for the relief of Susa Yukiko Thomason; to the Committee on the Judiciary.

By Mr. JUDD:

H. R. 4970. A bill for the relief of Theodore J. Lindstrom and Fred C. Carlson; to the Committee on the Judiciary.

By Mr. MORRISON:

H. R. 4971. A bill for the relief of Josefina V. Guerrero; to the Committee on the Judiciary.

By Mr. PHILLIPS:

H. R. 4972. A bill for the relief of Kichizo and Yasu Nakagawa; to the Committee on the Judiciary.

By Mr. WALTER:

H. Con. Res. 145. Concurrent resolution favoring the granting of the status of permanent residence to certain aliens; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

364. By Mr. BEAMER: Petition of the congregation of the First Christian Church, Marion, Ind., requesting that every effort be put forth to bring about the release of William N. Oatis; to the Committee on Foreign Affairs.

365. By Mr. THORNBERRY: Petition of citizens of the Tenth Congressional District of Texas, requesting that the Townsend bill be brought out of committee so that adequate care may be taken of our aged citizens; to the Committee on Ways and Means.

366. By the SPEAKER: Petition of Filipino Businessmen's Association of Honolulu, Honolulu, T. H., relative to supporting and endorsing H. R. 4298 to confer upon Hawaii the status of a State for purposes of the immigration and naturalization laws and for other purposes; to the Committee on the Judiciary.

SENATE

FRIDAY, JULY 27, 1951

(Legislative day of Tuesday, July 24, 1951)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal Spirit, whose inward fellowship means cleansing, peace and power, we come asking that there may be dissolved the barriers that keep our souls from Thee. Save us, we pray, from a towering self-sufficiency that will not even recognize our need, from an impenitence too proud to confess guilt, and from the spiritual blindness that sees vividly the visible but is unaware of the invisible and eternal. May this noontide pause in the busy day be but the symbol of zones of quiet we habitually keep inviolate around our too agitated lives. We confess that the world is too much with us, in getting and spending we lay waste our powers. Save us from crippling pessimism and despair. Build Thou our inner strength and grant that we may be among those who stand in the evil day and having done all still stand. Amen.

THE JOURNAL

On request of Mr. McFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 26, 1951, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Hawks, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Snader, its assistant reading clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4601. An act to provide that the admissions tax shall not apply in respect of admissions free of charge of uniformed members of the Armed Forces of the United States; and

H. R. 4740. An act making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1952, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 997) for the relief of William J. Drinkwine, and it was signed by the Vice President.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H. R. 4601. An act to provide that the admissions tax shall not apply in respect of admissions free of charge of uniformed members of the Armed Forces of the United States; to the Committee on Finance.

H. R. 4740. An act making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1952, and for other purposes; to the Committee on Appropriations.

LEAVE OF ABSENCE

On request of Mr. SALTONSTALL, and by unanimous consent, he and Mr. SMITH of New Jersey were excused from attendance on the session of the Senate later this afternoon for 2 hours in order to attend the funeral of Admiral Sherman.

TRANSACTION OF ROUTINE BUSINESS

Mr. McFARLAND. Mr. President, I ask unanimous consent that Senators be permitted to make insertions in the RECORD, and transact routine business, without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATOR McCARTHY'S EXPOSÉ OF COMMUNISM—RESOLUTION OF YOUNG REPUBLICANS CLUB OF WINNEBAGO COUNTY, WIS.

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a resolution unanimously adopted by the Young Republicans Club of Winnebago County, Wis., in support of the efforts of the junior Senator from Wisconsin [Mr. McCARTHY] to expose communism.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas it is felt that many people have lost sight of the aims and fundamental objectives of Senator JOSEPH McCARTHY'S crusade against communism; and

Whereas we feel that Senator McCARTHY fearlessly pioneered against great opposition to expose this Communist menace; and

Whereas many people have been misled by attempts on the part of certain dissident elements of the population to discredit and disparage Senator McCARTHY: Now, therefore, let it be

Resolved, That the Young Republicans Club of Winnebago County hereby congratulates and commends Senator McCARTHY for his outstanding service to the American people in spearheading the drive to rid our Government of traitorous elements; be it further

Resolved, That we, the Young Republicans Club of Winnebago County, stand ready to support Senator McCARTHY wholeheartedly in all his efforts to expose communism, appeasement of fuzzy-minded internationalists, and enemies of Christianity, the American representative republic, and of man as an individual.

OSHKOSH, WIS., *July 25, 1951.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Armed Services:

H. R. 1199. A bill to amend section 12 of the Missing Persons Act, as amended, relating to travel by dependents and transportation of household and personal effects; with amendments (Rept. No. 584).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs:

H. R. 3782. A bill to authorize a per capita payment to members of the Menominee Tribe of Indians; with an amendment (Rept. No. 585).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CARLSON:

S. 1907. A bill to authorize the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. SMITH of New Jersey:

S. 1908. A bill for the relief of Charles H. Craft; to the Committee on the Judiciary.

By Mr. HICKENLOOPER:

S. 1909. A bill for the relief of Henry Bongart and Evelyn Bongart; to the Committee on the Judiciary.

By Mr. DIRKSEN:

S. 1910. A bill for the relief of the racially ineligible Tane Watanabe fiancée of a United States citizen veteran of World War II; to the Committee on the Judiciary.

By Mr. O'CONOR:

S. 1911. A bill for the relief of Michael David Liu, a minor; to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 1912. A bill to provide for conveyance of certain land to the city of New Orleans; to the Committee on Armed Services.

(See the remarks of Mr. ELLENDER when he introduced the above bill, which appear under a separate heading.)

By Mr. McCARRAN:

S. 1913. A bill to authorize the use of appropriations for refunding moneys erroneously received and covered for the refund of forfeited bail; and

S. 1914 (by request). A bill to amend section 2151 of title 18, United States Code, relating to sabotage; to the Committee on the Judiciary.

By Mr. LANGER:

S. 1915. A bill for the relief of Mohamed Akbar Khan; to the Committee on the Judiciary.

By Mr. WATKINS:

S. 1916. A bill for the relief of Olga Madsen, a minor; and

S. 1917. A bill for the relief of Mrs. Oveida Mohrke and her son, Gerard Mohrke; to the Committee on the Judiciary.

By Mr. WILEY:

S. 1918. A bill for the incorporation of the Ladies of the Grand Army of the Republic; to the Committee on the District of Columbia.

By Mr. HENDRICKSON:

S. 1919. A bill for the relief of Sister Anna Ettl;

S. 1920. A bill for the relief of Tara Singh; and

S. 1921. A bill for the relief of Efstratios Maravelios (also known as Steve Maravelias); to the Committee on the Judiciary.

CONVEYANCE OF CERTAIN LAND TO CITY OF NEW ORLEANS, LA.

Mr. ELLENDER. Mr. President, I introduce for appropriate reference a bill to convey certain land to the city of New Orleans, La., and I ask unanimous consent that an explanatory statement of the bill by me be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the explanatory statement will be printed in the RECORD.

The bill (S. 1912) to provide for conveyance of certain land to the city of New Orleans, introduced by Mr. ELLENDER, was read twice by its title, and referred to the Committee on Armed Services.

The explanatory statement is as follows:

STATEMENT BY SENATOR ELLENDER

During 1944, the Civil Aeronautics Administration undertook a project for the development of the Moisant International Airport (formerly Kenner-Moisant Airport). It was determined that certain lands were needed to accomplish the necessary development and to protect the airport. In order to expedite the acquisition of the needed lands, the United States Corps of Engineers, the construction agency, agreed to acquire the land by condemnation in the name of the United States with the city of New Orleans putting up the money for the purchase price and for all necessary expenses. It was understood that once the United States had title to the lands that it would reconvey the lands to the city of New Orleans. The city issued checks in the amount of $300,000 to the Treasurer of the United States and the Corps of Engineers proceeded with the condemnation proceedings and took title to the land in the name of the United States. Further, the city, in reliance on the assurances it had received from the Government, spent additional amounts on improvements to the lands in question and has induced a private individual to invest his funds on improvements which are located on the lands. The Government recently completed condemnation. The city has requested the Corps of Engineers to convey the fee simple title to the land to it. Certain war powers which the Corps of Engineers had during the war have expired and the Corps of Engineers cannot convey the lands in question without authority from General Services Administration. The General Services Administration will not approve a direct conveyance of fee simple title to the lands in view of the fact that there is no written contract in existence in which the United States affirmatively obligated itself to reconvey the lands in question to the city of New Orleans. However, the General Services Administration authorized the Department of Defense to dispose of the property in accordance with the provisions of section 502 (a) (1) of Public Law 152, Eighty-first Congress, which continued in effect the section 13 (g) of the Surplus Property Act of 1944, as amended. The city of New Orleans will not accept a transfer under those conditions since such a disposal would make the lands subject to a number of restrictions and conditions whereas the appropriation of the $300,000 by the city was made with the understanding that the city would get unencumbered fee simple title to the property.

The Department of Defense has not developed any of the property in question.

In view of the above, it is believed that some agency of the United States Government, preferably the Department of Defense, should be authorized to convey to the city of New Orleans fee simple title to the lands in question in order to enable the Government to fulfill its obligation to the city.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, etc., were ordered to be printed in the Appendix, as follows:

By Mr. JOHNSON of Texas:

Statement by Senator KERR on July 27, 1951, before the Subcommittee on Army Civil Functions of the Senate Committee on Appropriations, regarding the necessity for flood-control appropriations.

By Mr. MUNDT:

Editorials entitled "Finland Stands Firm," and "Finland and Neighbor," regarding the recent elections in Finland.

By Mr. WILEY:

Editorials condemning the sale of narcotic drugs to teen-age children, the first entitled "Get the Narcotics Sellers," published in the Racine (Wis.) Journal-Times of July 10, 1951; the second entitled "Kill That Rattlesnake," published in the July 19, 1951, issue of the Manitowoc (Wis.) Herald-Times.

By Mr. O'MAHONEY:

Editorial entitled "A Plan To Conserve the Taxpayer and His Dollar," published in the Baltimore Sun of July 26, 1951, regarding a proposal by Senator McCLELLAN and Senator MOODY to amend the Legislative Reorganization Act of 1946.

By Mr. KEM:

Editorial entitled "They're Lions at Home," published in the Omaha (Nebr.) Evening World-Herald of July 20, 1951.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS, 1952

The Senate resumed the consideration of the bill (H. R. 3973) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1952, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. FERGUSON] for himself and the

Senator from New Hampshire [Mr. BRIDGES], which will be stated.

The LEGISLATIVE CLERK. On page 65, line 4, it is proposed to insert the following new section:

SEC. —. No part of any appropriation contained in this act shall be used to pay the compensation of any civilian employee of the Government whose duties consist of acting as chauffeur of any Government-owned passenger motor vehicle (other than a bus or ambulance), unless such appropriation is specifically authorized to be used for paying the compensation of employees performing such duties.

Mr. McFARLAND. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed in calling the roll not be charged to either side.

The VICE PRESIDENT. Without objection, it is so ordered. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hennings	Moody
Bennett	Hickenlooper	Morse
Benton	Hill	Mundt
Bricker	Hoey	Nixon
Bridges	Holland	O'Conor
Butler, Md.	Hunt	O'Mahoney
Byrd	Ives	Pastore
Capehart	Johnson, Colo.	Robertson
Carlson	Johnson, Tex.	Russell
Chavez	Kem	Saltonstall
Clements	Kerr	Schoeppel
Connally	Kilgore	Smathers
Cordon	Knowland	Smith, Maine
Dirksen	Langer	Smith, N. J.
Douglas	Lehman	Smith, N. C.
Duff	Lodge	Sparkman
Dworshak	Magnuson	Stennis
Eastland	Malone	Taft
Ecton	Maybank	Underwood
Ellender	McCarran	Watkins
Ferguson	McCarthy	Wherry
Frear	McClellan	Wiley
Gillette	McFarland	Williams
Green	McKellar	Young
Hayden	Millikin	
Hendrickson	Monroney	

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

The Senator from Georgia [Mr. GEORGE] is absent by leave of the Senate.

The Senator from Connecticut [Mr. MCMAHON] is absent by leave of the Senate on official business of the Committee on Foreign Relations.

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. CASE], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness.

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate on official business.

The VICE PRESIDENT. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. FERGUSON], on behalf of himself and the Senator from New Hampshire [Mr. BRIDGES].

Mr. FERGUSON. Mr. President, will the Senator from Georgia yield me 5 minutes?

Mr. RUSSELL. Yes.

The VICE PRESIDENT. The Senator from Michigan has 15 minutes at his disposal.

Mr. FERGUSON. The minority leader was engaged, and I did not wish to interrupt him.

Mr. RUSSELL. The Senator from Michigan, as the sponsor of the amendment, is entitled to 15 minutes.

Mr. WHERRY. Mr. President, when the consideration of the appropriation bill was resumed the distinguished President of the Senate, stated the question on the pending amendment, following which we had a quorum call. My understanding is that the time consumed in calling the quorum was not charged to either side. As the sponsor of the amendment, the Senator from Michigan [Mr. FERGUSON] is in charge of 15 minutes.

The VICE PRESIDENT. The Senator from Michigan has 15 minutes on his amendment.

Mr. FERGUSON. Mr. President, I modify my amendment, and I ask that the amendment, as modified, be stated by the clerk.

The VICE PRESIDENT. The amendment, as modified, will be stated.

The LEGISLATIVE CLERK. On page 65, line 4, it is proposed to insert the following new section:

SEC. —. Except for the car officially assigned to the Secretary of Agriculture, no part of any appropriation contained in this act shall be used to pay the compensation of any civilian employee of the Government whose duties consist of acting as chauffeur of any Government-owned passenger motor vehicle (other than a bus or ambulance), unless such appropriation is specifically authorized to be used for paying the compensation of employees performing such duties.

Mr. FERGUSON. Mr. President, for the RECORD, let me say that as of July 1, 1950, the last official report I have, the Department of Agriculture had seven full-time chauffeurs in the District of Columbia and none in the field.

Mr. RUSSELL. Mr. President, I am willing to take the amendment to conference.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The bill is open to further amendment.

Mr. BYRD. Mr. President, I call up my amendment "7-25-51—A."

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 65, between lines 3 and 4, it is proposed to insert the following:

SEC. 411. No part of the money appropriated for the Department of Agriculture by this act or made available for expenditure by any corporation by this act which is in excess of 75 percent of the amount required to pay the compensation of all persons the budget estimates for personal services heretofore submitted to the Congress for the fiscal year 1952 contemplated would be employed by the Department of Agriculture or by such corporation, respectively, during such fiscal year in the performance of—

(1) functions performed by a person designated as an information specialist, information and editorial specialist, publications and information coordinator, press relations officer or counsel, photographer, radio expert, television expert, motion-picture expert, or publicity expert, or designated by any similar title, or

(2) functions performed by persons who assist persons performing the functions described in (1) in drafting, preparing, editing, typing, duplicating, or disseminating public information publications or releases, radio or television scripts, magazine articles, photographs, motion pictures, and similar material,

shall be available to pay the compensation of persons performing the functions described in (1) or (2).

On page 65, line 4, strike out "411" and insert in lieu thereof "412."

Mr. RUSSELL. Mr. President, the Senate has already adopted an identical amendment on another bill, and I am willing to take this amendment to conference, to see what can be done with it.

Mr. BYRD. Mr. President, the amendment which has been accepted by the Senator from Georgia, known as the publicity amendment, was adopted on the independent offices appropriation bill by a recorded vote of 60 to 10. It was also adopted on the Treasury-Post Office appropriation bill. I ask unanimous consent to insert in the body of the RECORD, at this point, as a part of my remarks, an explanatory statement regarding the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PUBLICITY AMENDMENT TO AGRICULTURE APPROPRIATION BILL, BY SENATOR BYRD, WITH SENATOR FERGUSON

THE AMENDMENT

"No money appropriated by this act to any corporation or agency shall be available to pay the compensation of persons performing information functions or related supporting functions, if the amount expended by such corporation or agency during the fiscal year 1952 to pay such compensation is in excess of 75 percent of the amount required to pay the compensation of all persons the budget estimates for personal services heretofore submitted to the Congress for the fiscal year 1952 contemplated would be employed by such corporation or agency during such fiscal year in the performance of information functions and related supporting functions. For the purposes of this section, the term "information functions" means functions usually performed by a person designated as an information specialist, information and editorial specialist, publications and information coordinator, press-relations officer or counsel, or publicity expert, or designated by any similar title; and the term "related supporting functions" means functions performed by persons who assist persons performing information functions in the drafting, preparing, editing, typing, duplicating, or disseminating of public information publications or releases, radio or television scripts, magazine articles, and similar material."

STATEMENT BY SENATOR BYRD

The purpose of this amendment is to correct one of the greatest abuses in our governmental services. Since 1913 it has been illegal by virtue of an act of Congress, for governmental agencies to employ any publicity experts unless appropriations are specifically made for that purpose. Notwithstanding that, every agency of the Government has publicity agents. It is true they are not called by that name, but they are scattered throughout the departments. I am presenting an amendment, which is the only way by which the question can be reached, which provides that for the purpose of information functions only 75 percent of the money recommended by the Bureau of the Budget shall be available for expenditure under this bill.

I call attention to a long fight which has been made for the purpose of trying to eliminate these publicity agents, whose employment, as I have said, has been illegal since 1913, when an act was placed on the statute books providing that no money appropriated by Congress should be used for the compensation of any publicity expert, unless specifically appropriated for that purpose.

The effect of the amendment would be, as I said, to limit expenditure of funds appropriated in this act for personal service to 75 percent of the amount requested by the President in his budget estimates to pay employees whose functions are those of publicity experts and their assistants, and those engaged in related supporting activities, such as typing, mimeographing, mailing, and so forth.

Individual glorification of bureaucrats and political propaganda constitute the press service problem which this amendment seeks to curtail. It has been a problem for a long time. Since 1913, as I said, there has been a statute on the books providing that no money appropriated by Congress shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose.

On pages 4409 and 4410 of the CONGRESSIONAL RECORD of September 6, 1913, the problem was summed up in the debate as follows:

"No person should be employed as a press agent by a Government agency to extoll his boss or to advertise the work of the department, but we ought to have men in the various departments to make available facts about the work of these departments to the public."

The amendment which is proposed by myself and the Senators associated with me allows a sufficient appropriation to make facts available about the work of the departments, but it will, I think, compel the dismissal of all those who are being employed as publicity experts, of whom there are many thousands of them, and who are acting as such.

In 1937, the Brookings Institution, in a report for the Senate Select Committee To Investigate Executive Agencies of the Government, said:

"Notwithstanding the fact that the employment of publicity experts is forbidden by the act of October 22, 1913 (38 Stat. L. 208, 212), unless funds are specifically appropriated for that purpose, publicity agents are nevertheless appointed under other designations, and one of the results has been an increasing flood of press releases produced by the process method."

Later, in 1947, the House committee headed by Representative Harness said:

"It is a duty of representative government to keep the people fully and accurately informed. Administrative officials at policy-making levels are, and should be, entirely free to express their views and discuss policy on any issue. But beyond the regular news channels no agency properly may go. The information services of the administrative agencies may not lawfully use public funds to promote new projects, to influence legislation, or to mold public opinion for or against any legislative proposal. * * * The sole legal function of Federal information service is to issue factual objective, and studiously unbiased information.

"Unfortunately, the law is being violated repeatedly by numerous administrative agencies. In hundreds of ways, some devious, some blatant. Federal officials and employees are ignoring or flouting section 201 of title 18 of the Criminal Code, often for the deliberate purpose of fostering sentiment and support for administration policies and programs.

"The issue is far broader than the merits of any particular piece of legislation. The record reveals clearly the manner in which Government lobbyists operate on the Federal payroll, how they are always at work to expand their fields of interests, to perpetuate themselves in office, and to impose their ideas and systems upon the American people by organized propaganda paid for entirely by the diversion of public funds from their true purposes to the secret purposes of top bureaucrats and planners."

Then the Hoover Commission task force said:

"Every agency of the Government maintains its public relations staff. Every agency issues printed matter in great or small volume every year for public distribution. Printing costs on Government literature approach $50,000,000 a year, and the mailing costs computed at regular postage rates add $40,000,000 a year.

Staff salaries in publicity functions were tabulated by the Bureau of the Budget for fiscal year 1948 at $13,000,000, but this figure does not include editorial and research expense in the preparation of Government intelligence. The Budget Bureau's itemization begins with preparations of the press release, radio continuity, or motion-picture scrips. The research and testing behind the press release are not charged to the publicity function but rather to the routine administrative expenses of the department.

"In many cases public-relations work is concealed entirely from routine accounting review, principally by the device of carrying publicity operatives on the roll as supervisors, administrative assistants, or technical experts."

For these reasons in the present state of the Federal budget and accounting procedures, a precise itemization of Government expenditures in this broad field is almost impossible.

For this reason the language of the pending amendment is directed to functions performed, no matter what the title may be, or at what station in civil-service ranks and grades the employees may be.

In this bill, and in the Government, now it is still virtually impossible to determine how many people there are engaged in so-called information work in the Federal Government, but the Civil Service Commission admits to 4,199 who can be positively identified in these positions. A check of the appendix to the budget document reveals that of this number there are more than 100 such positions covered by the independent offices appropriation bill, and that the salaries run to nearly three-quarters of a million dollars. Undoubtedly there are others in high positions who cannot be identified in the detailed personnel tables, and still others engaged in clerical, mechanical, and transportation jobs connected with publicity which would more than double—probably treble—both the number of people involved and the personal-service costs.

But this is not all that is involved. We become involved also in the paper shortage, in the purchase of duplicating equipment, and especially in the cost of disseminating the material through the mail.

The Joint Committee on Reduction of Nonessential Federal Expenditures on April 19 started a sampling of material printed and otherwise duplicated by Government agencies for public dissemination. In 2 months, exclusive of the material printed by the Government Printing Office, Government publications, mimeographed and otherwise processed, have been received at the rate of a file case full a week, exclusive of envelopes and wrappings. That means single statements and all publicity sent out. By actual count in the mails of Saturday and Monday morning 2,226 separate pieces were received. All of this, of course, was delivered under the free penalty mail privileges. On page 741 of the budget document, the Post Office Department reveals that in fiscal year 1952 it expects to handle 1,780,100,000 pieces of penalty mail from Government departments and agencies in the executive branch. That is approximately a letter a month from the executive branch departments and agencies to every man, woman, and child in the country. This volume of penalty mail represents an increase of nearly a hundred million a day over the volume handled last year, which totaled less than a billion and a half pieces.

Examples of some of the material which is going through the mails is a pamphlet called Filipino Women—Their Role in the Progress of Their Nation, published by the Labor Department; Raccoons of North and Middle America; North American Fauna No. 60, published by the Fish and Wildlife Service, Department of the Interior; and then there is the gem by the ECA entitled "ECA's Dilemma—Can Elephants and Water Buffalos Outwork Machinery?" This is a little article about 5-day weeks for elephants working in Burma.

The ECA has found that elephants do not like to work in the hot sun, and that in March and April they should be sent to a rest camp, and also that they should be given about 2 weeks vacation again in October.

That is where some of our money is going.

It is no wonder that other Senators and I are receiving numerous complaints about the stuff which is being received by citizens all over the country, about the uselessness of the material which they are receiving through the mails, in the nature of Government publications from the executive departments of the Government.

I receive letters, and I assume other Senators receive similar letters, saying "For God's sake stop sending all this mail." It is thrown away because the recipients have no use for it; yet the mails are filled up with it.

As I have said, this material which is now coming into our office does not include any publications disseminated by the Government Printing Office. In addition, publications disseminated by the Government Printing Office, printed in fine type, cover 78 pages of an attractive green-bound monthly catalog, and exclusive of the Military Establishment, the Government's printing bill for fiscal year 1952 is estimated at $41,000,000, and the Military Establishment will more than double this figure when the estimates are counted.

The VICE PRESIDENT. Without objection, the amendment is agreed to. The bill is open to further amendment.

Mr. SALTONSTALL. Mr. President, I do not have an amendment to offer to the bill, but I should like to ask the Senator from Georgia a question concerning a statement in the report.

The VICE PRESIDENT. There is nothing pending before the Senate which gives any Senator a right to the floor.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senator from Massachusetts may be permitted to propound a question to me.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SALTONSTALL. Mr. President, I should like to invite the attention of the Senator from Georgia to page 4 of the report, the last paragraph thereof. The paragraph concerns the use of funds for research with respect to the wheat stem sawfly.

It states:

> The balance of the increase is intended to lessen the curtailment of research that would be required by the House reduction, such as the work on Japanese beetle parasites and diseases.

In New England we are particularly interested in the research concerning the gypsy moth, the brown tailed moth, and the terrible infection which is attacking our elms, called the Dutch elm disease. My question is whether the research is limited to the wheat stem sawfly, or whether, providing there is sufficient money available, the reasearch may include also studies of the gypsy moth, the brown tailed moth, the Dutch elm disease, and other infections of that character.

Mr. RUSSELL. Mr. President, the subcommittee has dealt with the question of the Japanese beetle and the Dutch elm disease, as well as the brown tailed moth, for a number of years. One of the great tragedies suffered by the Nation has been the loss of many magnificent elm trees in New England. There is nothing whatever to prevent the Department of Agriculture from applying some of the funds to research work in the fields indicated by the Senator from Massachusetts. It is a matter within the discretion of the Department. We did not restore all of the reduction which was made by the House on these items, but such funds are available, after deducting the specific amounts which are set aside in the committee report, and could be applied to the work to which the Senator from Massachusetts refers, if the officials in the Department of Agriculture saw fit to so apply them.

Mr. SALTONSTALL. I thank the Senator from Georgia. In other words, it is entirely up to those who want that kind of research carried on to satisfy the Department of Agriculture that it should be done.

Mr. RUSSELL. Yes, within the limitation of the funds which are available.

Mr. SALTONSTALL. I thank the Senator from Georgia.

Mr. WILLIAMS. Mr. President, I have an amendment at the desk, which I ask the clerk to state.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 50, line 19, beginning with the words "Provided further", it is proposed to strike out all down to and including line 2, page 51.

On page 52, line 3, beginning with the words "Provided further", it is proposed to strike out all down to and including line 11.

The VICE PRESIDENT. The Senator from Delaware submits two amendments which relate to the same subject but appear on two different pages. Is there objection to the consideration of the amendments en bloc?

The Chair hears none, and it is so ordered. The Senator from Delaware is recognized for 15 minutes.

Mr. WILLIAMS. Mr. President, at the outset I wish to point out that the amendment would neither save any money nor cost any money. It involves merely a matter of bookkeeping.

The first proposal is to strike out the proviso on page 50, under which it is proposed to cancel $32,700,000 worth of notes of the Commodity Credit Corporation for one purpose. The proviso on page 52 would cancel notes not exceeding $427,000,000.

The principle involved is the same as that which was involved in the amendment offered yesterday providing for the cancellation of notes of the Commodity Credit Corporation under the international wheat agreement.

It has been my contention all the time that the American people would understand this aspect of the agricultural program better if we required that direct cash appropriations be made and if we required the Department to justify such appropriations before the Committee on Agriculture and Forestry. As the situation now is, we are being asked to provide approximately $450,000,000 for which there has been no justification before any committee, nor will any justification be requested later, if these items are now approved.

In my opinion, the Secretary of Agriculture should be forced to appear before the committee and state what he wants the money for; he should be required to state that he wants so much money in order to make up for what has been lost under the support program for corn, and that he wants so much money in order to make up for what has been lost under the support program for potatoes, in connection with which he has been destroying potatoes. If he wants to be able to feed raisins to hogs in California, as has been done, let him say so and let him tell the American people how much it is costing. If the Secretary of Agriculture wants to buy eggs, let him say so, and let him tell the American people how much it is costing. Let the program be broken down item by item, and let the Secretary of Agriculture justify, if he can, each part of the program.

Several years ago I called the attention of the Senate to the fact that the Secretary of Agriculture was circulating generally over the country literature in which he was boasting of the fact that his Department showed a lifetime profit, instead of a loss. However, when I checked with the Director of the Bureau of the Budget, he confirmed my opinion that the reason why the Department could boast of the profit was the fact that the Department had deducted as the cost of its operations only the direct appropriations made by Congress, and had not taken into consideration the billions of dollars in the form of notes which had been canceled. In other words, the notes so canceled were credited as earnings accruing to the Corporation.

If the agricultural program cost this country $427,000,000 for one item and $32,000,000 for another item during the last year, let us tell the American people the truth; and if we are ashamed of it, let us repeal the law; or if we approve of what has been done, let us at least require that the figures be broken down according to the individual items, and not permit the Department to tell the taxpayers that it is operating at a profit or with a surplus. Certainly that is not a fact, because annually the Congress is canceling the notes of the Corporation.

Mr. President, I realize that if my amendment is adopted it will mean that either today or later an appropriation bill will come before the Senate providing exactly the same amount; but in that event I think it will be clear to the American people what they are paying for. After the people have that information, if they are in favor of making the payments they can agree to have them made; or if they are opposed to having the payments made they can register their opposition.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. AIKEN. I agree with the Senator from Delaware that these losses should be made up in the form of direct appropriations. I merely wish there were some way by which we could also put into an appropriation bill the $8,300,000,000 of tax deferments which have been given to industry this year, so that the taxpayers could see what that item is costing them.

Mr. WILLIAMS. I agree with the Senator from Vermont. I have asked for a breakdown of that item by the Department, by States and projects, because I think that, too, has gone far afield and should be pointed out to the American people. As soon as that information can be obtained—I understand that a statement on it is being submitted—I intend to place it in the RECORD, in order to show the taxpayers what the cost is, because it is amounting to billions of dollars.

Mr. AIKEN. I believe that information is available now, and I think it should be placed in the RECORD, so that the people will know exactly to whom they are contributing the $8,300,000,000.

Mr. WILLIAMS. I have been told that the information is available, and I have requested it, but have not yet received it. I expect to receive it soon.

Mr. AIKEN. I have the information up to July 23. To my amazement, I found, last night, that the amount had grown to $8,300,000,000. That is virtually a subsidy to industry.

Mr. WILLIAMS. I agree fully with the Senator about that.

Mr. AIKEN. And it comes from the people who pay the taxes.

Mr. WILLIAMS. I think every one of these subsidies should be made in the form of direct appropriations, in dollars and cents, so that every taxpayer will know how much is being paid to any subsidized organization or group, whatever it may be.

Mr. President, I desire to read from the most recent monthly report issued

by the Commodity Credit Corporation, dated April 30, 1951:

The Commodity Credit Corporation showed a net gain of $237,716,718 for the first 10 months of the fiscal year 1951.

Mr. President, if we regard that statement as having any degree of accuracy at all—although I do not so regard it—it would indicate that a profit has been made from this operation. If that be so, and if there is any truth whatever in what Mr. Brannan says in his statement, he should be paying back to the Treasury the $237,000,000, instead of asking for an appropriation or note cancellation of $427,000,000. Either the Secretary of Agriculture has lied or else he does not need the money.

I think we should end this note cancellation process, and should make the Secretary of Agriculture request an appropriation, just as every other Government agency does.

So, I certainly hope the amendment will be adopted. As I said before, I am not saying that the amendment, if adopted, will constitute any saving at all, because I recognize that until such time as we modify the agricultural commodity support law, we shall have to make this payment anyway. However, I want the payment to be made in the form of a direct appropriation.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS. I yield.

Mr. LANGER. Does the Senator think it is quite fair, now that industry has the $8,300,000,000, to "take it out" on agriculture, and to treat agriculture differently from the way industry is treated?

Mr. WILLIAMS. I am not suggesting "taking anything out" on agriculture. I wish to say to the Senator from North Dakota that I voted against the subsidies for industry as well as the subsidy for agriculture, because I think the time has come when we must stop such subsidies.

I agree with what the Senator from Vermont said, namely, that the subsidy to agriculture is not half so bad as some of the subsidies which are being given to industry—for instance, to the American shipping lines, the aircraft lines, and some of the other industries which could be enumerated. However, the fact that there is a wrong in one place does not justify perpetuating a wrong in another place. Therefore I am in favor of striking out all such items straight across the board.

However, my amendment does not raise the question of paying the funds; it raises the question of telling the American people what we are paying.

Mr. LANGER. Mr. President, will the Senator yield further?

Mr. WILLIAMS. I yield.

Mr. LANGER. I sympathize with the Senator's purpose. However, does he think it is fair and right and proper for us to legislate in such a way as to treat industry in one manner and to treat agriculture in another?

Mr. WILLIAMS. No; I am proposing that all of them be treated in the same manner and that every subsidy be shown above the board.

Mr. LANGER. We have already allowed the $8,300,000,000 to industry.

Mr. WILLIAMS. But we should have required that it be shown above the board. I think it was wrong to handle that matter in the way in which it was handled.

Similarily, we have already agreed to provide these funds for agriculture; but I say that we should show who is receiving the benefit and we should have this payment broken down by individual commodities, and thus stop "kidding" ourselves as to whether this agency is making any money or is not making any money.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from Utah.

Mr. BENNETT. Does the Senator from Delaware realize that in the case of industry, the matter to which he has referred is a tax deferment; and in the past 20 years any industry that has had its taxes deferred has paid more in taxes in the end, because the tax rates have constantly been rising. So it is not a subsidy; it is merely a postponement of the evil day.

Mr. WILLIAMS. I agree with the Senator, except I point out that most of the tax deferments were made during World War II, when there was the excess-profits tax. So the taxes which were deferred were deferred for payment in the postwar period.

There may be justification for the deferment; I am not discussing the merits of that question. However, if there is a justification for it, and if all of these projects are really essential to the national defense, then there is no reason for not setting them forth clearly, above the board; and no one should be ashamed of them, if they are justified. At this time I am not discussing the merits of the particular programs; I simply say let us not be ashamed of what they are costing us, if they are justified.

Mr. BENNETT. I feel that way, too; but I thought that I should state for the RECORD that in the case of industry it is a deferment, not an outright cash subsidy.

Mr. WILLIAMS. That is correct.

Mr. AIKEN. Mr. President, on the face of the report it is stated that the deferment is made for the purpose of enabling the various concerns to pay the full cost of construction over a 5-year period.

Mr. BENNETT. But that means that during the remainder of the period when the cost of construction of the buildings is being amortized, the industries do not have that opportunity.

Mr. AIKEN. When the Senator from Delaware places the report in the RECORD the facts and the amounts involved will all appear in print.

I realize that the argument of the Senator from Delaware is, not against the subsidies but to make the subsidies known to the public, so that the public will know what they are.

Undoubtedly I would support almost all of the Senator's points. However, I think the industrial situation should be known, as well as the losses of the Commodity Credit Corporation.

Mr. WILLIAMS. Mr. President, how much time have I remaining?

The VICE PRESIDENT. The Senator from Delaware has 4 minutes remaining.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I shall yield later.

The VICE PRESIDENT. Does the Senator from Delaware relinquish the remainder of his time?

Mr. WILLIAMS. No, Mr. President; I reserve the remainder of my time, but at this point I yield the floor.

Mr. RUSSELL. Mr. President, I am quite sure that no one who has been a Member of the Senate during the past 3 or 4 years could possibly be unfamiliar with the views of the Senator from Delaware regarding the operations of the Commodity Credit Corporation. He is very much opposed to having a Commodity Credit Corporation. He is equally opposed to the loan program, the price-support program, and to all the works of the Commodity Credit Corporation.

If the Commodity Credit Corporation is to be stricken down, it should be done by the legislative committee which gave it life. If there is to be a change in the basic farm program, a bill should be introduced and sent to the standing Committee on Agriculture and Forestry for consideration. If the pending amendment should be adopted, it would injure the price-support program on wheat, corn, cotton, and other commodities, because it would place the capital structure of the Commodity Credit Corporation in a very dangerous position with respect to a considerable number of loans.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Delaware.

Mr. WILLIAMS. I disagree completely with what the Senator from Georgia has said, and I ask whether it is not a fact that, even now, the Commodity Credit Corporation has an unused reserve borrowing capacity of more than $3,000,000,000? Furthermore it would make absolutely no difference whether the action were taken in the form of a cash appropriation or in the form of a note cancellation, except that in the form of an appropriation it would be open and aboveboard. This in no way affects the agricultural program.

Mr. RUSSELL. The Senator from Delaware is not offering an amendment directed to the appropriation of funds. He is offering an amendment to nullify the efforts which have already been made to extinguish this deficit. Some very unwise things may have been done by the Department of Agriculture in dealing with the farm program. I am convinced that, in respect to certain commodities, notably potatoes, a number of errors have been made; but, since that time, the Congress has enacted new legislation on the subject, fixing standards, and endeavoring to prevent losses in the future.

The Senator from Delaware says that the Secretary of Agriculture should come before the committee and justify in detail, down to the last dollar, what appropriations he needs in order to deal with wheat, with corn, and with cotton. I submit that that is absolutely impossible, because no man can tell the amount of these commodities which the farmers will seek to place in loans made by the Commodity Credit Corporation.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. WILLIAMS. I think the Senator from Georgia is completely off base, because the cancellation of the notes has absolutely nothing to do with the cost of the agricultural program next year. It is paying, in reverse, the cost of the program up to June 30 last year.

Mr. RUSSELL. If my ears did not deceive me, the Senator from Delaware stated, in the course of his argument, that the Secretary of Agriculture should be compelled to come before the committee to say how much he was going to need for each one of these commodities. I will leave it to the RECORD as to whether I am in error or not. If I am in error, the statement I made is not applicable.

Mr. WILLIAMS. Mr. President, will the Senator yield further?

Mr. RUSSELL. I yield.

Mr. WILLIAMS. If I did make that statement, I was in error. I had no intention of saying the Secretary should justify the needs in advance, because that would be physically impossible. But I do say that, if the Secretary of Agriculture comes to the Congress for an appropriation for the last fiscal year—which is exactly what this is—to make up a loss in the amount of $427,000,000, he should be able to break it down; otherwise there is no way to reconcile the figures with the statement which the Secretary makes in his own report, issued 60 days ago, from which I quote:

> A net gain of $275,772,890 resulted from all program operations, after net reductions. * * *

That was for the first 10 months of the fiscal year 1951.

In one statement which he sends forth to the taxpayers, the American people, he says he has a net gain of $275,000,000 over all the appropriations for all the years; yet there is now a request for cancellation of $427,000,000 worth of notes to cover a loss. Those statements cannot be reconciled. They should be explained so that the truth may be disclosed.

Mr. RUSSELL. Of course, the cancellation relates to the year 1950 and prior years. It is for the fiscal year ending June 30, 1950. I am not here to defend the Secretary of Agriculture. He holds a great many views which I reject. I am here to undertake to see that no permanent damage is done to the farm program. I would not abolish the Department of Agriculture in order to get at the Secretary, however much I might be opposed to any individual who might fill the position of Secretary of Agriculture; and I certainly do not want the farm program injured because of any personal animosities or views of any Senator as to the capacity or as to the operations of the man who happens to be Secretary.

I have here, and I offer for the RECORD, a breakdown by commodities, showing the profit or loss on every commodity involved in the item now under consideration, which, as I said, is for the fiscal year ending June 30, 1950, and preceding years. I ask that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

United States Department of Agriculture, Commodity Credit Corporation—Analysis of deficit for which restoration is proposed in 1952 budget

[Fiscal year ending June 30, 1950]

	Realized gain or loss (−)	Increase (loss (−)) or decrease (gain) in valuation reserves	Net gain or loss (−) included in deficit	Treasury appraisal (preliminary)	
				Adjustments of valuation reserves; increase (loss (−)) or decrease (gain)	Adjusted capital impairment
Price-support program:					
Basic commodities:					
Corn	−$17,189,119	−$56,955,000	−$74,144,119	$72,935,056	−$1,209,063
Cotton	3,419,603	33,200,000	36,619,603		36,619,603
Peanuts	−40,592,600	1,912,000	−38,680,600	−34,797	−38,715,397
Rice	−1,293,780	9,700	−1,284,080		−1,284,080
Tobacco	195,495	360,000	555,495	5,974,000	6,529,495
Wheat	−28,384,123	−4,102,000	−32,486,123	6,336,677	−26,149,446
Total	−83,844,524	−25,575,300	−109,419,824	85,210,936	−24,208,888
Designated nonbasic commodities:					
Milk and butterfat:					
Butter	−4,111,861	−81,900,000	−81,011,861	53,889,982	−32,121,879
Cheese	−1,031,078	−15,550,000	−16,581,078	9,256,777	−7,324,301
Milk, nonfat, dry	−14,619,144	−38,900,000	−53,519,144	33,453,502	−20,065,642
Potatoes	−75,090,316	767,000	−74,323,316	−35,675	−74,358,991
Tung oil	31		31		31
Wool	−10,755,942	9,828,000	−927,942	31,000	−896,942
Total	−105,608,310	−125,755,000	−231,363,310	96,595,586	−134,767,724
Other nonbasic commodities:					
Barley	−2,608,937	−5,500,000	−8,108,937	9,187,936	1,078,999
Beans, dry edible	−880,329	−10,620,000	−11,500,329	13,192,576	1,692,247
Cotton, American-Egyptian		−103,000	−103,000	112,000	9,000
Cottonseed and products:					
Cottonseed	−529,472		−529,472		−529,472
Cottonseed oil:					
Crude	707,370		707,370		707,370
Refined	67,490		67,490		67,490
Cottonseed meal	−840,750		−840,750		−840,750
Cotton linters	−2,367		−2,367		−2,367
Eggs	−41,622,784	−56,819,850	−98,442,634	17,879,083	−80,563,551
Flax, fiber	−67,464	37,700	−29,764		−29,764
Flaxseed	−3,336,065	9,270,000	5,933,935	18,407,368	24,341,303
Fruit, dried	299,336	1,288,600	1,587,936		1,587,936
Linseed oil	−428,992	−56,042,000	−56,470,992	25,458,133	−31,012,859
Naval stores:					
Rosin	−34,436	−4,111,000	−4,145,436	−2,842,709	−6,988,145
Turpentine	−415,359	395,500	−19,859	−62,713	−82,572
Oats	−413,295	−705,000	−1,118,295	2,413,053	1,294,758
Peas, smooth, dry edible	−658,800	−289,000	−947,800	154,944	−792,856
Rye	−223,209		−223,209	−114,295	−337,504
Seeds:					
Hay and pasture	−71,708	−43,000	−114,708	4,817	−109,891
Winter cover crop	−2,319	−73,000	−75,319	−38,596	−113,915
Sorghums, grain	−10,514,934	−58,150,000	−68,664,934	44,537,957	−24,126,977
Soybeans	1,754,206		1,754,206	−20,550	1,733,656
Sweetpotatoes	1,453		1,453		1,453
Turkeys	44,458		44,458		44,458
Liquidation activities	−98		−98		−98
Total	−59,777,005	−181,464,050	−241,241,055	128,269,004	−112,972,051

United States Department of Agriculture, Commodity Credit Corporation—Analysis of deficit for which restoration is proposed in 1952 budget—Continued

[Fiscal year ending June 30, 1950]

	Realized gain or loss (−)	Increase (loss (−)) or decrease (gain) in valuation reserves	Net gain or loss (−) included in deficit	Treasury appraisal (preliminary)	
				Adjustments of valuation reserves; increase (loss (−)) or decrease (gain)	Adjusted capital impairment
Total, price support	−$249,229,839	−$332,794,350	−$582,024,189	$310,075,526	−$271,948,663
Supply program	2,886,616		2,886,616		2,886,616
Foreign purchase program	49,006		49,006		49,006
Storage facilities program	−91,960		−91,960		−91,960
Commodity export program	1,753		1,753		1,753
Subsidy program (liquidation activities)	−113,351		−113,351		−113,351
Accounts and notes receivable	−86,113	−312,433	−398,546		−398,546
Total, all programs	−246,583,888	−333,106,783	−579,690,671	310,075,526	−269,615,145
Excess of other expenses over other income (interest, administrative expenses, etc.)	−48,030,688		−48,030,688		−48,030,688
Net loss for fiscal year 1950	−294,614,576	−333,106,783	−627,721,359	310,075,526	−317,645,833
Deficit as of June 30, 1949			−170,515,131		−170,515,131
Total deficit as of June 30, 1950			−798,236,490	310,075,526	−488,160,964
Restoration of capital impairment as of June 30, 1949 per Treasury appraisal (accomplished)			66,698,457		66,698,457
Adjusted net deficit			−731,538,033	310,075,526	−421,462,507
Estimated capital impairment, 1952 budget estimate					427,000,000
Preliminary Treasury appraisal of capital impairment					421,462,507
Net reduction under estimate included in 1952 budget					5,537,493

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from North Dakota, who was on his feet seeking to interrupt.

Mr. YOUNG. Mr. President, if my memory serves me correctly, I think there was a net profit, as of last August, of approximately $53,000,000 in the operation of the price-support program, as it relates to basic commodities for the past 17 years. I was wondering what profit or loss there had been on basic commodities during the past year.

Mr. RUSSELL. I do not have the figure, but, on the basic commodities, of course, substantial profits have been made, as the Senator indicates. The losses have been in other than basic commodities.

Mr. WILLIAMS. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. I yield.

Mr. WILLIAMS. I have not seen that report. Will the Senator tell me how much of a loss it indicates the CCC has sustained on those commodities?

Mr. RUSSELL. $427,000,000.

Mr. WILLIAMS. $427,000,000?

Mr. RUSSELL. That is correct.

Mr. WILLIAMS. Then, if they have lost more than $427,000,000, the statement of the Senator from North Dakota is wholly incorrect, is it not?

Mr. RUSSELL. No, it is not at all incorrect. The Senator from North Dakota asked me about the basic commodities, and this item represents losses which were incurred on items other than basic commodities.

Mr. WILLIAMS. The over-all program showed a loss, and it should be broken down. I should like to see that report.

Mr. RUSSELL. I shall be very happy to have the Senator see it.

Mr. President, I think the amendment ought to be rejected. The matter has been handled for a number of years as we have provided in the bill. I have no objection to handling it as a direct appropriation, but I do object to striking out this item of the bill, and thereby causing complication of the farm program at this late date, when we are already about a month late in acting on this bill. The Department of Agriculture and the farmers should have some directive from the Congress as to the nature and scope of the program that is provided in the bill. The amendment ought to be rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. President, I think the Senator from Illinois wished to be heard.

The VICE PRESIDENT. Does the Senator from Delaware yield time to the Senator from Illinois, and if so, how much time?

Mr. WILLIAMS. I yield 2 minutes to the Senator from Illinois.

Mr. DIRKSEN. I desire to say to my friend from Georgia that it seems the Commodity Credit Corporation is certainly negligent in its failure to submit to the committees of Congress and to the public a type of operational sheet which makes plain exactly what its operations are and what the losses are. I have not seen the table presented by the Senator from Georgia, but I must say that I was reasonably diligent in pursuing the figures and the testimony before the Senate committee, and also before the House committee. One would have to be nothing short of a Philadelphia lawyer or a c. p. a. in order to be able, within a short period of 3 or 4 hours, to obtain a clear-cut picture of exactly what the situation is.

If we are to expect the people of the country to make up $427,000,000 of losses, it at least might not be so painful if they knew how much they had lost on peanut operations, and how much they had lost on potatoes, how much they had lost on eggs, how much they had lost on cheese and milk, and how much they had lost on any other item. I should like to know the facts. Industry issues a very simplified balance-sheet for its stockholders. It is printed, and it is published. It enables the stockholders to get a pretty fair bird's-eye view of the entire operation. The report now presented is so clouded in perplexity and prolixity of language that I think my friend from Georgia will well agree that there is something lacking; and, while I certainly would not charge the men in Commodity Credit Corporation with concealment, yet there is not enough there to meet the eye, to give a clear picture, either to the Congress or to the country. So I think there is real point in what the Senator from Delaware has suggested, which is that the item be stricken from the bill, and that the CCC justify their requests in language which is not quite so difficult to understand.

Perhaps I am rather obtuse in my perception, notwithstanding the fact that I have labored with this very item year after year for a good many years. It has not always been clear, and certainly it is not clear, in my judgment, from what has appeared in the hearings.

The VICE PRESIDENT. The time of the Senator has expired. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. WILLIAMS. Mr. President, I wish to make one further statement. I point out the confusion which exists in this entire program, and emphasize further the need of making all the details concerning this subject a matter of record.

I desire to point out further that both the Senator from Georgia and the Senator from North Dakota were laboring under the delusion that basic commodities had shown a profit, whereas the report which the Senator from Georgia has placed in the RECORD shows that $24,208,888 was lost on basic commodities.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield, but I do not have much time remaining.

Mr. YOUNG. I was speaking about the 18 years of operation.

Mr. WILLIAMS. This is the first time there has ever been a breakdown of the whole program. I say again that when the Secretary boasted that there was an over-all profit for the Commodity Credit Corporation last year, it was by virtue of the fact that he counted as income the note cancellations. I think the entire record should be before us so that we may know exactly what it shows. The taxpayers paid $38,000,000 last year to support the price of peanuts. We pity the poor housewife because of high prices, and I think we have a right to know why the prices are high and how much the Government is paying to destroy some food products so that their prices will continue to be high. The merits of the program have nothing to do with my amendment, and it in no way affects the agricultural-support program. I submit that the amendment should be adopted.

The VICE PRESIDENT. The time of the Senator from Delaware has expired.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislatitve clerk called the roll, and the following Senators answered to their names:

Aiken	Hennings	Moody
Bennett	Hickenlooper	Morse
Benton	Hill	Mundt
Bricker	Hoey	Nixon
Bridges	Holland	O'Conor
Butler, Md.	Hunt	O'Mahoney
Byrd	Ives	Pastore
Capehart	Johnson, Colo.	Robertson
Carlson	Johnson, Tex.	Russell
Chavez	Kem	Saltonstall
Clements	Kerr	Schoeppel
Connally	Kilgore	Smathers
Cordon	Knowland	Smith, Maine
Dirksen	Langer	Smith, N. J.
Douglas	Lehman	Smith, N. C.
Duff	Lodge	Sparkman
Dworshak	Magnuson	Stennis
Eastland	Malone	Taft
Ecton	Maybank	Underwood
Ellender	McCarran	Watkins
Ferguson	McCarthy	Wherry
Frear	McClellan	Wiley
Gillette	McFarland	Williams
Green	McKellar	Young
Hayden	Millikin	
Hendrickson	Monroney	

The PRESIDING OFFICER (Mr. HILL in the chair). A quorum is present.

The question is on the amendment of the Senator from Delaware [Mr. WILLIAMS]. [Putting the question.]

Mr. WHERRY. Mr. President, I ask for a division.

On a division, the amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOUGLAS. Mr. President, I offer my amendment designated "7-25-51—B," which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The LEGISLATIVE CLERK. On page 54, line 24, after the word "exceed", it is proposed to strike out "497" and insert in lieu thereof "350."

Mr. DOUGLAS. Mr. President, in previous appropriation bills upon which the Senate has passed we adopted the policy of restricting the enormous number of Government automobiles. We did it by a sort of Jensen amendment, to provide that no addition to the total number of automobiles should be made, and that the total number should be reduced by replacing only half of the automobiles which wear out in the current year, thus effecting a painless reduction.

There is do doubt that so far as Washington is concerned, the Department of Agriculture, if I may coin a phrase, is "overautomobiled." In ancient Assyria it used to be said that the poor crouched by the wayside while the rich rode by in their chariots. Certainly it is true in the city of Washington that the average citizen either walks on the sidewalk or travels in a humble Ford car while the host of Government top officials ride by in Cadillacs, Lincolns, Pontiacs, and Buicks. The ordinary citizens do not precisely crouch by the wayside while the chariots of the great go by, but they do see the expensive Government cars being driven around, at the expense of the taxpayer.

We can make a large reduction in the number of Government automobiles in the Department of Agriculture in Washington. I know that in the field it is necessary for the agents of the Department of Agriculture to have automobiles, but again and again attention has been called to the duplication of the county units and county agencies of the Department of Agriculture. Not only are there county agents in the Extension Service, jointly financed by local governments and by the Federal Government, but there are Production and Marketing agents, Soil Conservation agents, rural electrification agents, farm home and production agents, and so forth. I know of relatively small counties which have no less than six or seven such agents.

The Secretary of Agriculture is entitled to some credit, because in the past year he has been attempting to house the various county agencies of the Department of Agriculture in a common office. However, he has not eliminated the excessive number of agents, and there is still an excessive number of automobiles. I am being most moderate in not trying to cut the replacements in half, but merely to reduce them by a fourth. I have made this concession because many of these automobiles will be for use in the field.

I very much hope that the distinguished chairman of the subcommittee will not only accept this amendment and will take it to conference, though not in the usual senatorial fashion. I hope he will not take it to conference in order to abandon the baby and let it die of suffocation inside the conference committee room, but that he will struggle with all the vigor and ability he has to reduce the number of automobiles.

I look expectantly at him, and I hope for a very favorable response.

Mr. RUSSELL. Mr. President, this amendment having been adopted in connection with other bills, it had been my intention to accept it and take it to conference. However, I did not wish to deny the distinguished Senator from Illinois the privilege of making his very eloquent statement about it.

I point out that the Department of Agriculture is not the chief sinner in respect to automobiles in the District of Columbia. I experience the same irritation which all other citizens feel from time to time in being almost run down on the street by large limousines bearing United States Government tags. However, it so happens that the Department of Agriculture has only 17 automobiles in the District of Columbia.

The Senator from Illinois referred to the large number of Cadillacs and Lincolns. Only one of the 17 in the Department of Agriculture comes within that class. That is the one assigned to the Secretary of Agriculture himself. According to the chart I have, he has a Cadillac.

Mr. President, I wish to go along with the spirit of the Senate. It has voted to reduce the number of automobiles. I am therefore willing to take this amendment to conference. I assure the Senator from Illinois that I shall bring to the attention of the conferees the very strong statement which he has made with respect to this item, and will express it as the view of the Senate on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. SCHOEPPEL. Mr. President, at this time I wish to commend the distinguished Senator from Georgia [Mr. RUSSELL]. I call the attention of the minority leader particularly to the fact that I appreciate the clarification which was placed in the RECORD yesterday on pages 8922 and 8923, with respect to the item of $10,351,400 for research.

The PRESIDING OFFICER. Will the Senator from Kansas suspend for a moment? Does the Senator from Nebraska yield time to the Senator from Kansas?

Mr. WHERRY. Mr. President, as I understand we have had the third reading of the bill. There are no further amendments to be offered. Now we are in the stage of discussing the bill itself.

The PRESIDING OFFICER. The Senator is correct. Thirty minutes are allowed to each side. The Senator from Nebraska controls 30 minutes of the time.

Mr. WHERRY. I should like to yield a few minutes to the distinguished Senator from Kansas, but not to oppose the bill. I have received no request from any Senator for time in opposition to the bill. If any Senator wishes time in opposition to the bill I shall be glad to yield time to him. However, the Senator from Kansas is very much interested in ask-

ing some questions with respect to research in connection with wheat mosaic. He would like to ask the distinguished chairman of the subcommittee a few questions. I am very hopeful that the conferees will see to it that the appropriation provided for this purpose by the Senate remains in the bill, and that it will not be cut further. In Kansas and other wheat-producing States the farmers are apprehensive about the research program. I told the Senator from Kansas that I would be glad to give him time on the bill in order that he might make a few observations and ask the distinguished chairman of the subcommittee a few questions relative to the appropriation.

Mr. SCHOEPPEL. Mr. President, I thank the Senator from Nebraska. I had spoken to him previously on the subject.

As I stated, I commend the distinguished chairman of the subcommittee, the Senator from Georgia, for clarifying, to my way of thinking, a very important phase of the research provisions of the bill, including research activities in connection with wheat mosaic disease and the green bug situation.

I observe that this is an unbudgeted item, and it would be subject, of course, to being stricken out. It might be one of the first things to be eliminated when the bill goes to conference, but it is a very important item, and should remain in the bill. I hope that, in connection with the research items, the conferees will do everything they can to hold fast to the designated amounts for research, because Kansas has suffered, as other States have suffered, the ravages of the new diseases which are moving in, such as wheat mosaic and the green-bug plague.

I ask the distinguished Senator from Georgia whether it is the intention that the amounts for these research items shall by all means be given preferential status in the event the Senate conferees may have to recede on certain items. I may be asking a question which is out of line, but I think the Senator understands my point.

Mr. RUSSELL. Mr. President, I do not believe that the distinguished Senator from Kansas was on the floor of the Senate—I believe he was called off the floor yesterday while we were discussing the item—when I stated my views fully on the subject, and they appear in the RECORD. I have not read the RECORD this morning, but I am sure they appear fully in the RECORD. There cannot be any question about the correctness of the Senator's position as to the importance of the work. I may say that on the conference committee there will be, in addition to the Senator from Georgia, who is extremely sympathetic, the Senator from North Dakota [Mr. YOUNG], who has been promoting research into wheat mosaic, the stem sawfly, and the green bug for a number of years, and also the Senator from Nebraska [Mr. WHERRY]. I can assure the Senator from Kansas that a determined effort will be made to see to it that the research work will be conducted as the Senate has indicated it should be.

Mr. SCHOEPPEL. I thank the Senator.

SEIZURE AND CONFINEMENT OF WILLIAM N. OATIS

Mr. WHERRY. Mr. President, I yield 5 minutes to the Senator from California.

Mr. KNOWLAND. Mr. President, yesterday I addressed a letter to the President of the United States which I should like to read into the RECORD at this point for the information of the Senate. It reads:

JULY 26, 1951.

The Honorable HARRY S. TRUMAN,
The White House,
Washington, D. C.

MY DEAR MR. PRESIDENT: Together with many other Americans in and out of Congress, I have been exceedingly disturbed over the seizure and confinement of Mr. William N. Oatis by the Government of Czechoslovakia. Recent press reports indicate that the Government of Czechoslovakia has rejected a note sent by our Department of State dealing with his release. It seems that they are about to use the same tactics with Mr. Oatis that the Government of Hungary used in the case of Mr. Robert Voegler.

Apparently the Communist-dominated governments feel that American citizens can be seized with impunity and that while we might officially lodge protests no effective and affirmative action will be taken by us. The longer we allow this impression to exist, the more apt the Communist-dominated governments are to continue to seize and hold Americans as hostages or for other purposes.

I would suggest that the Department of State be immediately instructed to advise the Government of Czechoslovakia that section 5 of Public Law 50, Eighty-second Congress "An act to extend the authority of the President to enter into trade agreements under section 350 of the Tariff Act of 1930, as amended, and for other purposes" will be immediately implemented by withdrawing all reductions in any rate of duty which has been granted. Since there is no question but that the Government of Czechoslovakia is dominated or controlled by the world Communist movement there are no reasonable grounds why such action could not and should not be immediately taken.

In addition to the above, I would also suggest that the Department of State and/or Department of Commerce be immediately instructed to withhold expert licenses to Czechoslovakia in implementing their ability to make war.

If the above action is followed out, I believe that the economic hardship which Czechoslovakia will suffer, will be such that she will release Mr. Oatis. It will also serve notice on all Communist satellite countries that this Nation will no longer stand idly by and allow our citizens to be kidnaped, held, and tried on trumped-up charges by a star-chamber proceeding, which apparently cannot stand the light of day.

Sooner or later, this issue must be met head-on, and I believe that this is the time and Mr. Oatis is the case.

If immediate results are not achieved by the above steps, I urge that this Government withdraw all diplomatic representatives from Czechoslovakia and that all their diplomats be sent home.

Sincerely yours,

WILLIAM F. KNOWLAND.

PROPOSED JOINT MEETING OF COMMITTEE ON FOREIGN RELATIONS AND COMMITTEE ON ARMED SERVICES

Mr. WHERRY. Mr. President, at this point I yield to the Senator from Massachusetts [Mr. SALTONSTALL] whatever time he may desire to take.

Mr. SALTONSTALL. Mr. President, I should like to ask the Senator from Georgia a question on another matter. I know he is working on a subject which will keep him out of the city for a day or two. The Committee on Armed Services yesterday considered the question whether it should sit jointly with the Committee on Foreign Relations in the consideration of aid to Europe.

I should like to ask the Senator from Georgia, inasmuch as the hearings are now in progress before the Committee on Foreign Relations, the Secretary of State having been heard yesterday and the Secretary of Defense today, what arguements, if any, he has made with the chairman of the Committee on Foreign Relations in order to permit the Committee on Armed Services and the Committee on Foreign Relations to sit jointly. If the two committees do not sit jointly, in justice to ourselves as Members of the Committee on Armed Services, when the bill is reported to the Senate, we shall have to ask that it be referred to the Committee on Armed Services for further study, in order that we may familiarize ourselves with the armament situation, which is a vital part of our work.

Mr. RUSSELL. Mr. President, pursuant to the understanding reached in the Committee on Armed Services yesterday, I discussed the matter with the distinguished Senator from Texas [Mr. CONNALLY], the chairman of the Committee on Foreign Relations. I deem it unnecessary to go into the details of the private conference between us. However, I may say that about the only thing that was accomplished was that an invitation was extended to the members of the Committee on Armed Services to attend the hearings of the Committee on Foreign Relations as guests of that committee.

In view of the fact that the initial measure providing for the military aid program under the North Atlantic Treaty was handled by the Committee on Foreign Relations and the Committee on Armed Services sitting as a joint committee, and the further fact that the second authorization for that purpose was likewise handled by the two committees sitting as a joint committee, I was certain that the outcome of the conference would not accord with the wishes of the Members of the Committee on Armed Services, as expressed at the meeting of the committee yesterday morning. I may say to the Senator from Massachusetts that I apprised the Senator from Texas of the fact that the Committee on Armed Services felt that the program, relating as it does to the distribution of vast quantities of ammunition and other matériel of war of great value to the national defense, was certainly a matter which deeply concerned the Committee on Armed Services. It has a very definite relationship to our own arms program, in addition to its effect on the North Atlantic Treaty states.

I therefore advised the Senator from Texas that the Committee on Armed Services would request that the bill be referred to the Committee on Armed Services after it had been reported by the Committee on Foreign Relations, in order that we may examine the arms features of the proposed legislation.

Mr. SALTONSTALL. Mr. President, will the Senator yield for a question?

Mr. RUSSELL. Yes.

Mr. SALTONSTALL. As chairman of the committee, the Senator from Georgia, I understand, agrees with me that it is an integral part of our work, and he takes the same position I take? I see that the Senator from Texas has come on the floor.

Mr. RUSSELL. I thought I had made it perfectly clear that that was my position, and that I had so stated to the Senator from Texas.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. RUSSELL. Yes.

Mr. KNOWLAND. I wish to commend the able chairman of the Committee on Armed Services, the Senator from Georgia [Mr. RUSSELL], for a very clear statement on the subject. As one who has supported the arms-implementation program, both in its original form and in subsequent legislation, I believe it would not be beneficial to the expeditious handling of the matter to deny the Committee on Armed Services equal representation at the hearings on the bill. As the able Senator from Georgia [Mr. RUSSELL] has pointed out, of the $8,000,000,000 involved approximately $6,000,000,000 deals with the arms features, which directly tie into the materials now possessed by the United States Air Force, the United States Army, and the United States Navy, large quantities of which, under the arm-limitation legislation, both present and proposed, will be transferred from the armed services of the United States to our allies overseas.

I do not believe that the Armed Services Committee can discharge its obligation to the Senate unless it either sits in now in the original hearings on the bill or unless the bill is referred, when it comes from the Foreign Relations Committee, to the Armed Services Committee, so that it can give the bill the study, from its point of view, which legislation of such importance should receive.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS, 1952

The Senate resumed the consideration of the bill (H. R. 3973) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1952, and for other purposes.

Mr. STENNIS. Mr. President, will the Senator from Georgia yield to me 5 minutes?

Mr. RUSSELL. I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. As one who is especially interested in the agricultural appropriation bill, I wish to join in congratulating the junior Senator from Georgia [Mr. RUSSELL], the chairman of the subcommittee, who handled the bill in the committee hearings and also has handled the bill on the floor of the Senate. I know of the pressing work in which he has been engaged since the first of the year. I know that he was held in the MacArthur hearings until a very late date, and had to postpone the consideration of this bill.

Yet, in spite of the complications and the many technical subjects involved, the Senator from Georgia was able to get the bill out of committee within the short span of a few weeks, and he has handled the bill in really an amazing fashion on the floor of the Senate. One with less knowledge of the bill itself and with less knowledge of the background of the subject matter could not have done what he has done in twice the time. We owe the Senator from Georgia a debt of gratitude which I am sure all of us feel, and wanted that sentiment to be expressed here, even in the rush of the moment.

Mr. RUSSELL. Mr. President, I hope the Senator from Mississippi will permit me to say from the bottom of my heart, "Thank you," for that very high compliment. I only wish I deserved half of it.

Mr. STENNIS. I am sure the Senator from Georgia deserves it, and much more, too.

Mr. President, I wish to say just a word in reference to the item on page 25 of the bill, "State and private forestry cooperation," for which the sum of $10,750,000 has been provided. I think that is one of the most important items in the entire bill; and the program for which it provides, as it is being developed, is one of the most beneficial.

I requested that the amount of the appropriation for the item be increased to $13,000,000. The subcommittee did not see fit to follow that suggestion, and I yielded for the time being to the judgment of the subcommittee. However, I wish to point out that this program is a growing program. I know from personal experience that it is operating in a most effective way. It affords a fine example of local cooperation. Some of the money comes from local funds, some comes from State funds, some comes from Federal funds, and some comes from the private, local owners of timberland.

Furthermore, Mr. President, I know that a few years ago the general rule in Mississippi among those who purchased timberland was to get as much from it as they could, and to cut down the timber with an entire disregard for the future of the crop. That attitude is gradually changing. Through this program, many of the buyers are purchasing the timber and cutting it on a systematic basis, utilizing it at its top capacity, and also leaving the growing stand in proper order for the benefit of future generations. That is where the big pay-off of the program comes.

Generally speaking, we have taken our forests for granted; but we certainly must realize that timber is an important crop which requires special research, planning, and marketing, so that timber operations will be carried out in such a way as to assure a continuous yield.

I understand that approximately only 30 percent of the money which is being used for this program is provided by the Federal Government, so certainly it is not a "grab" program, but is one in which there is the right kind of Federal leadership, with a proper view of the national picture as a whole, supplemented by local support. The main pay-off comes in connection with the training and the leadership the program gives to the local landowners, those who purchase the timber, those who own it, and also, as I have said, those who grow it.

I predict for this program a very fine future; and I feel sure that as the program develops, Congress will support it more and more earnestly, and will permit it to take its natural course and to develop as it should develop with resulting great benefit to the national welfare and the national economy.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CHAVEZ. I should like to call attention to another matter, Mr. President. I have been downstairs in the Appropriations Committee in conference with the House conferees on the Interior Department appropriation bill; I was there until a few minutes ago.

There is in the pending appropriation bill for the Department of Agriculture an item in which I am interested, and one about which the Appropriations Committee instructed the chairman of the subcommittee to allow an amendment to be submitted.

While I was downstairs, the third reading of the bill was had. Nevertheless, I desire to submit the amendment which the committee instructed should be presented.

Therefore, Mr. President, I ask unanimous consent that the order for the third reading of the bill may be rescinded, in order that I may submit the amendment.

The PRESIDING OFFICER. The Senator from New Mexico requests unanimous consent that the order for the third reading of the bill be rescinded, in order that he may submit the amendment to which he has referred. Is there objection?

Mr. WHERRY. Mr. President, I have no objection, and I should like to accommodate the distinguished Senator.

Of course, the amendment will be subject to the same time limitation that has applied to other amendments, namely, 15 minutes to each side.

Mr. CHAVEZ. That is correct.

The PRESIDING OFFCER. Is there objection to the request of the Senator from New Mexico? Without objection, it is so ordered, and the amendment submitted by the Senator from New Mexico will be stated by the clerk.

Mr. CHAVEZ. On instruction of the Appropriations Committee, Mr. President, I submit the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 41, after line 24, it is proposed to insert the following:

The unexpended balances appropriated for the purposes of section 504 (a) of the Housing Act of 1949 by the General Appropriation Act of 1951, shall hereafter be available for the additional purposes of making grants and the grant portion of combination loans and grants for the purposes of the act of August 28, 1937, "to promote conservation in the arid and semiarid areas of the United

States by aiding in the development of facilities for water storage and utilization, and for other purposes."

Mr. CHAVEZ. Mr. President, let me suggest to the Senate that this is a legislative amendment. If it were not for the fact that I deem it absolutely necessary to submit the amendment at this time, I would not bother the Senate with it for even a few minutes.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. WHERRY. Does the Senator feel that this amendment is any more important than the Wherry Housing Act?

Mr. CHAVEZ. No.

Mr. WHERRY. I agree. We have tried for weeks to get that bill passed by the House of Representatives.

Although I am in entire sympathy with many of the provisions for housing which are desired, yet the so-called Wherry bill is in the House of Representatives, but the House will not consider it.

I understand that the conferees have even thrown out the control provisions.

Mr. CHAVEZ. Mr. President, I hope the Senator from Nebraska will not punish——

Mr. WHERRY. No; but I hope the House will not punish the Wherry Housing Act by insisting on the theory that the only good things are in the other housing bill.

I do not think this amendment is as important as continuing the Wherry Housing Act for the military installations.

Mr. CHAVEZ. Mr. President, I shall prove conclusively to my good friend the Senator from Nebraska that this amendment is more important than that.

Mr. WHERRY. It cannot be.

Mr. CHAVEZ. Why cannot it be?

Mr. WHERRY. I will tell the Senator why.

Mr. CHAVEZ. No; let me speak now. I do not yield to my friend at this time. If he is trying to get even, well and good.

Mr. WHERRY. I am not trying to get even.

Mr. CHAVEZ. I am trying to reason with the Members of this body.

Mr. WHERRY. Then let the Senator add the Wherry Housing Act at the end of the amendment.

Mr. CHAVEZ. Mr. President, I should like to explain the situation. Probably the kindness of the Senator from Nebraska will go with his judgment.

I have seen disasters. Last week the Senator from Michigan went with the members of the Committee on Public Works into the St. Louis, Cape Girardeau, Kansas City, and other areas which were devastated by the flood. There are disasters and disasters. Sometimes disaster results because there is too much water; sometimes because there is not enough. The latter is the difficulty in the present instance, and it affects the amendment which I have submitted.

New Mexico is experiencing perhaps the most critical drought condition in its history. If the Senator from Nebraska were ever compelled to exist without water; if he were ever to find that he had planted wheat, potatoes, or some other crop, to be used for food, and that, at the end of the season, not even the seed was forthcoming, he would then realize what we are passing through. In New Mexico we have very little water. The average annual rainfall is from 12 to 14 inches. In the past 10 months we have had 3 inches of rainfall throughout New Mexico. Is that a disaster, or is it not? Many, many farmers and ranchers are without adequate water supplies and facing a critical shortage of feed for their livestock.

The general water supply outlook on virtually all the principal rivers and tributaries is very unfavorable. Water levels in wells scattered throughout the central and southern portions of the State are at an all-time low.

Storage water in almost all of the large reservoirs in the State is at critical minimums. For instance, storage in El Vado Reservoir in northern New Mexico is 5,000 acre-feet, which is too low to sustain fish, even mountain trout, compared with 92,000 acre-feet a year ago, and a capacity of 200,000 acre-feet. The storage in Elephant Butte Reservoir in the southern part of the State is fast nearing the lowest level since the dam was built 30 years ago.

We have experienced drought for the past 4 years. I am sure Senators know that when a rancher goes through four successive crop failures, whether the crop is wheat or beans, his ability to borrow is practically nil, because his ability to repay simply does not exist. Many of my fellow citizens in New Mexico have already reached the limit of indebtedness.

One of the great families of my State is the family of which Representative JENSEN, from Iowa, is a member. All the Jensen boys, with the exception of Representative JENSEN, live in my State. They have not produced a sack of beans in the past 4 years; nor has anyone else.

There is a very definite need of assistance to farmers and ranchers in New Mexico, and I am sure this situation exists in adjoining States. The same situation exists in western Colorado, and even in western Nebraska. There are several hundred farmers in New Mexico who are not in a position to finance the development of water supplies through the credit facilities which are commonly available. I believe in private credit, but I also believe in the common weal and in the public welfare of the people of this country; yet my people have no choice but to drill deeper wells for water for their families and their livestock. When the windmill ceases to produce water, the farmer must either bring in a new well or move.

I ask the do-gooders of this country and those who would do good throughout the entire world to listen to this: The Navajo Indian in my State and in the State of Arizona is now limited to 1 gallon of water a day, and it is murky.

The State of New Mexico has been declared a disaster area on a State-wide basis for purposes of loans, but even then restrictive language in the laws prohibits accomplishing the very goals which are so vital.

The amendment which I propose—and I want my good friends to listen to this—is a common-sense proposal, and, in common decency, common American fair play, and even charity, it should be adopted. The amendment I propose is not one of lasting benefit, but is merely an emergency stopgap to get a few fellow Americans over a very trying period. I would say what we are doing here is rescue work for people whose situation is every bit as pitiful as that of those in the flooded areas of Kansas and Missouri.

Mr. WHERRY rose.

Mr. CHAVEZ. If I may conclude this remark, I shall then be glad to yield to my good friend from Nebraska. The United States Government has always offered help to those people who suffer disaster of an immediate nature. Floods, earthquake, and explosion are instantaneous blows, and everyone's hearts are opened, but drought, as my friend from Nebraska knows, is a persistent and creeping paralysis which is often so slow that it fails to stimulate the reaction of a flood or like disaster. There is absolutely no difference in disaster of having either too much water or no water at all. Either means ruin. The Missouri Valley has more water than it can use. I wish we had it, for in New Mexico we have none at all. With one-tenth of the water which destroyed billions of dollars' worth of property and caused a loss of life in the Missouri River Valley, particularly in Kansas and Missouri, the farmers of New Mexico would be sitting on the top of the world. But at the moment we do not have even 1 percent of that amount of water.

Mr. President, I believe the Senate can see that it is most desirable that authority be provided for the making of loans for the development of facilities in these situations.

We are not asking for a direct appropriation. All I am asking of the Senate is a grant of funds which are already available. Let those funds be used for humanitarian purposes. That is all we ask. Make it possible for the man in the drought-stricken area of New Mexico at least to get a glass of water.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. CHAVEZ. I yield to the Senator from Nebraska.

Mr. WHERRY. Why could not this amount be taken from the disaster fund which was voted by the Senate within the past few days, and the use of which is under the discretion of the President?

Mr. CHAVEZ. Because we do not want it as a matter of disaster relief. We do not want charity. We want to be in a position to help ourselves.

Mr. WHERRY. This is a grant and is not reimbursable; is not that correct?

Mr. CHAVEZ. It is reimbursable. It can be reimbursable. Possibly, as a matter of strict necessity, it could be the subject of a grant, or it can take the form of a loan.

Mr. WHERRY. If the Senator is submitting this as a request for a loan, then I have entirely misinterpreted his amendment.

Mr. CHAVEZ. It includes both features. I may say to the Senator from

Nebraska, I know my people, whose families have resided in what is now New Mexico for 400 years, in spite of the elements. Knowing them as I do, I prefer to have this as a loan rather than as a grant.

Mr. WHERRY. Mr. President, if the distinguished Senator states for the record that these funds are to be transferred, under the Housing Act of 1949, for the purposes he states, and if they are to be loans, not grants, it puts an entirely different aspect on the matter, in the opinion of the Senator from Nebraska. The situation in New Mexico could be met under the discretion which is vested in the President in connection with the administration of the disaster fund.

Mr. CHAVEZ. The Senator from New Mexico will say to the Senator from Nebraska that we prefer that the money be advanced in the form of loans.

Let me read the record——

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. WHERRY. Mr. President, I have 15 minutes in opposition, and I am not going to say that I am in opposition, if I correctly understand the Senator's amendment.

Mr. RUSSELL. Mr. President, I had allotted time to the distinguished Senator from New Mexico on the bill because there had been a third reading, and he obtained consent to offer an amendment. I assume he has been speaking on the amendment in his own time. I have no control over that.

The PRESIDING OFFICER. The Senator from Georgia has control of the time if he is opposed to the amendment. If he is not opposed to the amendment, then the Senator from Nebraska has control.

Mr. WHERRY. Mr. President, I yield 5 minutes to the Senator from Michigan.

Mr. FERGUSON. Mr. President, I desire to ask some questions of the Senator from New Mexico.

Mr. CHAVEZ. I shall be delighted to try to answer them.

Mr. FERGUSON. On line 4 the amendment refers to making grants. That would indicate that it would be a total grant. Then follow the words "and the grant portion of combination loans and grants." That would mean part loan and part grant.

Mr. CHAVEZ. That is correct.

Mr. FERGUSON. I do not see how it could be a complete grant.

Mr. CHAVEZ. It is dependent upon the circumstances of each individual case.

Mr. FERGUSON. If the Senator wants to read something from the sideslip it may clear the matter up.

Mr. CHAVEZ. In the hearings, at page 450, Mr. Lasseter, Administrator of the Farmers Home Administration, testified as follows as to what could be done:

Under the act of August 28, 1937, * * * which contains the basic authorization for the water facilities program, the following types of assistance which are not now provided might be made available if funds for such purposes were authorized:

1. The making of grants to farmers to install or repair facilities when the individual needing such facilities had little or no repayment ability.

That is, cases of extreme necessity.

2. The making of combinations of loans and grants to individuals with insufficient repayment ability to finance completely the installation or repair of needed water facilities, provided, the amount of such grants would not exceed that part of the cost of the facilities which could not be paid by the beneficiaries in an orderly manner from farm income.

3. The making of loans—

And this is the main part, so far as it applies in a practical way in my State—

The making of loans for drilling exploratory wells with a written agreement providing that if such wells failed to develop a satisfactory water supply the borrower would repay only that part of the cost of the well determined to be within his repayment ability. In situations of this sort, it might be possible to cancel completely a loar if the wells which were drilled with loan funds were of no value and the borrowers had no repayment ability without the water which was expected from the wells.

Mr. FERGUSON. I suggest that if the Senator would strike out, in line 4, the words "for the additional purposes of making grants and," and insert "for the purpose of the grant portion of the combination loans and grants," there would be the combination about which the Senator from Nebraska [Mr. WHERRY] was speaking.

Mr. CHAVEZ. Irrespective of the hard condition of those poor people, I would be willing to make it even a loan.

Mr. FERGUSON. Loans and grants.

Mr. CHAVEZ. That is correct. We have suffered through the centuries. All we want is a chance to get a drink of water.

Mr. FERGUSON. What the Senator really wants is to drill wells, prospecting for water.

Mr. CHAVEZ. That is correct.

Mr. FERGUSON. And if they turn out to be satisfactory the Senator will expect full payment to be made. If the Senator provides loans and grants it will be a combination.

Mr. CHAVEZ. I think that would be preferable.

Mr. FERGUSON. That is what the Senator wants, anyway, is it not?

Mr. CHAVEZ. Yes.

Mr. FERGUSON. The Senator can modify his own amendment to that extent. Would the Senator be willing to do that?

Mr. CHAVEZ. Yes, I would.

Mr. FERGUSON. Do I correctly understand that the amendment is so modified?

Mr. CHAVEZ. Yes.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. LANGER. I should like to have the distinguished Senator from New Mexico advise me whether he is trying to steal some of the money I secured for the purpose of constructing toilets on farms about 2 years ago, for farmers living in submarginal areas.

Mr. CHAVEZ. No; the Senator from New Mexico is not trying to steal one toilet. He is trying to make available a little money that can be borrowed by persons who need a drink of water.

Mr. LANGER. I sympathize with my distinguished friend, but where I live some of the farmers need toilets. An appropriation was made for that purpose. There is a balance left, and all of a sudden the Senator from New Mexico wants to take a quarter of a million dollars to secure drinking water.

Mr. CHAVEZ. Not only for drinking water, but I told the Senate previously that there are disasters and disasters. I saw disasters resulting from too much water, and there can be disasters resulting from insufficiency of water. Knowing the kind-heartedness of my good friend from North Dakota, I know he would not object if he only knew the conditions.

Mr. LANGER. I object to taking away our money.

Mr. CHAVEZ. I am not proposing to take away 1 penny from the Senator's State. Let me assure the Senator that it is not our purpose to take away 1 penny. Mr. Lasseter says it will not hurt anyone.

Mr. LANGER. Mr. President, I should like to ask the Senator from Georgia whether there is a balance left in the appropriation which we secured for the purpose of helping farmers who needed toilet facilities.

Mr. RUSSELL. It is the fund appropriated for farm housing under the authorization which the Senator from North Dakota so vigorously espoused late one evening——

Mr. LANGER. That was the time the Senator from Georgia and the Senator from North Dakota had such a terrible time to get the poor farmers $500 grants.

Mr. RUSSELL. We were trying to get them into the housing program.

Mr. LANGER. Mr. President, I raise the point of order that this amendment is legislation on an appropriation bill.

Mr. RUSSELL. The Administrator of the Farmers Home Administration did say that the funds were so limited that he did not know how to start spending them.

Mr. LANGER. The toilets cost only $500 apiece.

Mr. CHAVEZ. I think a human being, with all due regard to my good friend from North Dakota, is more in need of a glass of water than he is of a toilet, even in North Dakota.

Mr. LANGER. I raise the point of order, Mr. President.

Mr. CHAVEZ. Mr. President, I move that the rules of the Senate be suspended——

The PRESIDING OFFICER (Mr. HOEY in the chair). The Chair sustains the point of order that the amendment proposes legislation on an appropriation bill.

The Senator from New Mexico gave notice of his intention to make a motion to suspend the rule. The Senator can now make his motion.

Mr. CHAVEZ. Mr. President, I make the motion that the rule of the Senate be suspended, and that the amendment be agreed to.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Mexico.

Mr. WHERRY. Mr. President, is any time left?

The PRESIDING OFFICER. The motion made by the Senator from New Mexico [Mr. CHAVEZ] can be debated.

Mr. WHERRY. Is it not true that on the motion the same time is allowed as on an amendment, that is, 15 minutes to a side?

The PRESIDING OFFICER. Yes. The question is on the motion of the Senator from New Mexico to suspend the rule. The "noes" appear to have it; the "noes" have it, and the motion of the Senator from New Mexico is not agreed to.

Mr. WHERRY. Mr. President, I ask for a division on the motion.

The PRESIDING OFFICER. Very well. All in favor will rise and remain standing until counted.

Mr. CHAVEZ. Mr. President, I was busy talking to the Official Reporter. What happened?

The PRESIDING OFFICER. The question on agreeing to the motion to suspend the rule was put to a vote, and the negative vote prevailed. A division is now asked for.

Mr. CHAVEZ. I am extremely sorry that I did not hear the question put to a vote, as I was busy talking to the Official Reporter.

Mr. WHERRY. Mr. President, did the Presiding Officer announce the result of the vote?

The PRESIDING OFFICER. Yes; the Chair announced that the "noes" had it.

Mr. WHERRY. I did not hear the Chair's announcement. I am perfectly willing to withdraw my request for a division.

Mr. CHAVEZ. I did not hear the Chair's announcement, because, as I said, I was talking to the Official Reporter.

The PRESIDING OFFICER. The Chair will put the question again.

Mr. CHAVEZ. Mr. President, I ask for a division.

The PRESIDING OFFICER. A division is called for.

On a division, the motion was not agreed to.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. WHERRY. Mr. President, how much time is left in control of the Senator from Nebraska on the passage of the bill?

The PRESIDING OFFICER. Nineteen minutes.

Mr. WHERRY. I yield whatever time the Senator from Illinois [Mr. DIRKSEN] may desire to have.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I desire to acquaint the Senate with the fact that I intend to ask for a record vote on the passage of the appropriation bill. I think it is absolutely necessary that such a vote be had. I wish that at some time the Senate would take some action on the resolution submitted by the Senator from Florida [Mr. SMATHERS] which calls for a modification of the Senate rules so that a record vote on an appropriation bill will be mandatory. Hundreds of millions of dollars are involved in the bill before the Senate. I believe that the people of the United States who are expected to provide the money, and whose credit is pledged for that purpose, are entitled to know how their elected representatives stand upon the appropriations for various functions and agencies for which appropriations are made in the pending bill.

First, I want to pay a compliment, of course, to the Senator from Georgia, for the very masterly way and the eminently fair way in which he has handled the bill. I know over the years he has always informed himself with respect to any bill that comes within his jurisdiction.

Mr. RUSSELL. I wish to thank the Senator from Illinois for his kind statement.

Mr. DIRKSEN. That compliment comes from the heart, because we have sat across the table from each other in conference committee sessions over the years, and I know that the Senator from Georgia prepares himself and does a very estimable job in connection with bills which are under his jurisdiction.

However, as a matter of conviction I part company with him as to the results which are finally to be achieved when the bill reaches the stage of final passage. I think it is rather regrettable that notnotwithstanding the fact that a large farm organization of the country, in fact the largest, endorsed a $130,000,000 cut in conservation payments, the Senate has not seen fit to go along with that recommendation.

Every Senator has advanced his own particular reason why he voted for or against the proposal which was considered yesterday, but I believe we ought to go on record in a matter of that kind, particularly when so much money is involved. So I simply say, Mr. President, that I shall ask for a record vote, despite the fact that it has probably not been consonant with the traditions of the Senate in other years to ask for such a vote on an appropriation bill. I believe that the people of the country are entitled to know, as we stand up and go on record, how we, the Members of the Senate, as well as those of the other body, stand, when economy is one of the most important challenges of this generation.

I yield back whatever time I have remaining.

Mr. WHERRY. I think all the time requested by the Senator from Nebraska has been exhausted. If no other Senator desires to speak, perhaps the Senator from Illinois would wish to request the yeas and nays on final passage.

Mr. RUSSELL. Mr. President, before that is done, and in my own time, I ask to have printed in the body of the RECORD a statement as to the work time required to buy food in various countries. The question was raised on that point the day the bill was first submitted to the Senate, and I assured two or three Members of the Senate that I would endeavor to secure information on that subject. I may say that the purchasing power of hourly earnings in terms of food of the average worker in the United States is some eight times what it is in Soviet Russia.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The statement is as follows:

WORK TIME REQUIRED TO BUY FOOD, 1937–50

(Excerpts from the above study by the Bureau of Labor Statistics, published in the Monthly Labor Review, February 1951, U. S. Department of Labor)

Index numbers in the following table show the purchasing power of average hourly earnings in terms of food in each foreign country as a percentage of the food purchasing power in United States earnings. Another and equally valid interpretation of the indexes is that they express the work time required to buy food in the United States as a percentage of that required in each foreign country.

Indexes of purchasing power of hourly earnings in terms of food, prewar, 1949 and 1950

[United States=100]

Country	1950	1949	Prewar
Australia	107	109	92
Austria (Vienna)	28	26	38
Canada	78	84	86
Chile	37	36	26
Czechoslovakia	46	[1] 48	[1] 34
Denmark	73	80	73
Finland	39	49	49
France (Paris)	31	37	68
Germany	38	32	51
Great Britain	62	71	46
Hungary	27	33	29
Ireland	46	46	44
Israel	63	49	52
Italy	24	24	26
Netherlands	38	47	45
Norway	84	88	68
Sweden	63	68	60
Switzerland	46	51	49
U. S. S. R.	14	13	24

[1] Based on ration prices for 1950, on official prices for 1949, and on legal minimum wage rates in Prague, and Prague prices prewar.

According to the relative purchasing power of earnings in the different countries (end of 1949 and beginning of 1950), Australia was the only foreign country where less working time was required than in the United States to buy a given amount of food. Even in countries with such a high level of living as Canada, Great Britain, and Scandinavia (using United States=100), the worktime required to buy food ranged from 20 percent longer in Norway to 60 percent longer in Great Britain and Sweden. The time was relatively longer in the other countries. Among the nations covered, the purchasing power of hourly earnings was lowest in the USSR, where workers had to work seven times as long as those in the United States in order to buy a given quantity of food.

The food-purchasing power of hourly earnings was next lowest in Italy and Hungary; however, compared with the United States, the power of earnings to buy food in these countries was approximately 70 and 90 percent, respectively, higher than in the Soviet Union.

Both similarities and differences are apparent in the results of the studies made in the three periods. One common characteristic of the results in all three periods is the very wide variation in the purchasing power of hourly earnings in terms of food among the countries studies. Before the war, the highest index was less than four times the lowest, and in the postwar studies the gap had considerably widened. Another similarity is that all the indexes for the three periods, with the exception of those for postwar Australia, are lower than 100—indicating that since 1937 foreign earnings have consistently bought less food than United States earnings. Indeed, in each period, in the majority of the countries, earnings could buy only half, or less, as much food as United

States earnings. Finally, the countries at both the top and bottom of the purchasing-power scale tended to remain the same in all three periods.

The purchasing power of earnings was consistently lower in the Soviet Union—about a fourth as great as those of United States earnings in the prewar period and about a seventh as great in both postwar studies. In Italy, Hungary, Austria, and Chile workers have been able to buy relatively little food with an hour's earnings; the indexes for these countries ranged from 24 to 38 percent of United States purchasing power. Three or four other nations were within this range in one or two of the periods, but not in all three.

At the other extreme Australia, Norway, Canada, and Denmark consistently had the highest indexes of purchasing power relative to the United States. France was in this group in the prewar period, but its indexes for both postwar periods are much below the level of these four countries. In 1950 workers in Sweden, Great Britain, and Israel, on the other hand, moved up to positions immediately below those in the highest-purchasing-power group.

Minutes of working time required to earn enough to buy various foods in 19 foreign countries and the United States, selected periods, 1949–50

Country (and period)	Wheat flour	Pork chops	Butter	Eggs	Potatoes	Lard	Sugar and sweets
United States, March 1950	4	29	31	22	2	7	4
Australia, March 1950	4	29	30	52	3	----	6
Austria, April 1950	12	[1] 161	148	124	6	94	28
Canada, March 1950	4	36	39	29	2	12	6
Chile, December 1949	13	----	167	105	6	108	13
Czechoslovakia, December 1949:							
Ration prices	8	58	93	92	2	70	17
Free market prices	8	582	349	308	2	524	186
Denmark, October 1949	7	[1] 33	57	61	2	35	4
Finland, March 1950	12	----	106	74	3	49	17
France, April 1950	17	90	169	96	4	71	25
Germany, March 1950	11	88	129	105	4	----	26
Great Britain, April 1950	7	----	37	66	3	22	9
Hungary, May 1950	17	[1] 100	160	106	4	133	40
Ireland, February 1950	6	[2] 56	76	94	4	33	10
Israel, February 1950	8	----	40	64	3	----	8
Italy, April 1950	17	[1] 120	183	102	8	66	43
Netherlands, January 1950	14	[1] 103	163	128	4	66	23
Norway, November 1949	6	[1] 42	58	75	3	----	8
Sweden, February 1950	7	49	60	54	3	----	9
Switzerland, April 1950	19	[3] 89	117	76	5	39	12
U. S. S. R., April 1950	36	304	373	291	11	----	122

[1] Average of all pork.
[2] Shoulder (United States working time, 19 minutes).
[3] Cutlets.

Source: Table 8 of Bureau of Labor Statistics study, Worktime Required To Buy Food, 1937–50, Monthly Labor Review, February 1951.

Mr. WHERRY. Mr. President, I inadvertently stated that all time allotted to me had been requested. I find that the Senator from Delaware wishes to speak for 2 minutes, and I yield 2 minutes to him.

Mr. WILLIAMS. Mr. President, I will speak for only 2 minutes. I wish to join the Senator from Illinois in voting against the appropriation bill for two reasons. First, I think entirely too much money is being appropriated in the bill. I cannot understand how the Senate would appropriate twice as much money for some of the programs as the farmers themselves are asking for. I point out that as the bill was reported from the Senate committee, it indicated that it was calling for $751,000,000 appropriations this year. After 2 or 3 days of debate we have finally managed to adopt one amendment, reducing the amount by $2,000,000. Then last night we added back $76,000,000, which left us $74,000,000 worse off than if we had not debated the bill at all, but had passed it as it was reported from the committee.

In addition there is $427,000,000 by way of note cancellations, and another $32,000,000 by way of note cancellations, provided in the bill, which are exactly the same as appropriations, so far as the taxpayers are concerned and which is not included in the above total. This will give the Secretary of Agriculture a chance again to tell the American people how he is making money on this stupid program of destroying our good, edible food when in reality the loss is nearly $500,000,000. I think that is wrong. I think the item should be broken down to show exactly what each agricultural commodity is costing the Government to support it at today's level, and then if the people think it is worth it, they can pay for it accordingly.

I think the housewives in the cities who are being forced to pay high prices for these food products today should know that the administration whose representatives are shedding these crocodile tears are today asking the Congress for nearly $500,000,000 to pay for the destruction of food since the war broke out last June in Korea.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. WHERRY. All time either having been exhausted or relinquished, perhaps a request for the yeas and nays will be made, after which I shall suggest the absence of a quorum.

Mr. FERGUSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WHERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Cordon	Green
Bennett	Dirksen	Hayden
Benton	Douglas	Hendrickson
Bricker	Duff	Hennings
Bridges	Dworshak	Hickenlooper
Butler, Md.	Eastland	Hill
Capehart	Ecton	Hoey
Carlson	Ellender	Holland
Chavez	Ferguson	Ives
Clements	Frear	Johnson, Colo.
Connally	Gillette	Johnson, Tex.
Kem	McFarland	Schoeppel
Kerr	McKellar	Smathers
Kilgore	Millikin	Smith, Maine
Knowland	Monroney	Smith, N. C.
Langer	Moody	Sparkman
Lehman	Morse	Stennis
Lodge	Mundt	Underwood
Magnuson	Nixon	Watkins
Malone	O'Conor	Wherry
Maybank	O'Mahoney	Wiley
McCarran	Pastore	Williams
McCarthy	Robertson	Young
McClellan	Russell	

The PRESIDING OFFICER. A quorum is present.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. Is a motion to recommit in order at this time?

The PRESIDING OFFICER. It is in order at any time before the final passage of the bill.

The question is on the final passage of the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Wyoming [Mr. HUNT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

The Senator from Georgia [Mr. GEORGE] is absent by leave of the Senate.

The Senator from Connecticut [Mr. MCMAHON] is absent by leave of the Senate on official business of the Foreign Relations Committee.

I announce further that if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Wyoming [Mr. HUNT], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] would vote "yea."

Mr. WHERRY. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. CASE], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness.

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate on official business.

The Senator from Ohio [Mr. TAFT] is detained on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate to attend the funeral of Admiral Forrest P. Sherman.

If present and voting, the Senator from Nebraska [Mr. BUTLER], the Senator from Vermont [Mr. FLANDERS], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from New Jersey [Mr. SMITH], the Senator from Ohio [Mr. TAFT], the Senator from Minnesota [Mr. THYE], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Idaho [Mr. WELKER] would each vote "yea."

The result was announced—yeas 65, nays 6, as follows:

YEAS—65

Aiken	Hickenlooper	Monroney
Benton	Hill	Moody
Bricker	Hoey	Morse
Bridges	Holland	Mundt
Butler, Md.	Johnson, Colo.	Nixon
Capehart	Johnson, Tex.	O'Conor
Carlson	Kem	O'Mahoney
Chavez	Kerr	Pastore
Clements	Kilgore	Robertson
Connally	Knowland	Russell
Cordon	Langer	Schoeppel
Douglas	Lehman	Smathers
Duff	Lodge	Smith, Maine
Dworshak	Magnuson	Smith, N. C.
Eastland	Malone	Sparkman
Ecton	Maybank	Stennis
Ellender	McCarran	Underwood
Frear	McCarthy	Watkins
Gillette	McClellan	Wherry
Green	McFarland	Wiley
Hayden	McKellar	Young
Hennings	Millikin	

NAYS—6

Bennett	Ferguson	Ives
Dirksen	Hendrickson	Williams

NOT VOTING—25

Anderson	Humphrey	Neely
Brewster	Hunt	Saltonstall
Butler, Nebr.	Jenner	Smith, N. J.
Byrd	Johnston, S. C.	Taft
Cain	Kefauver	Thye
Case	Long	Tobey
Flanders	Martin	Welker
Fulbright	McMahon	
George	Murray	

So the bill (H. R. 3973) was passed.

Mr. RUSSELL. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. RUSSELL, Mr. HAYDEN, Mr. O'MAHONEY, Mr. MCCARRAN, Mr. ELLENDER, Mr. WHERRY, Mr. YOUNG, and Mr. FERGUSON conferees on the part of the Senate.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS, 1952

The VICE PRESIDENT. Under the unanimous-consent agreement heretofor entered into, the bill (H. R. 3282), making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes, automatically comes before the Senate for consideration.

However, there are several messages from the House of Representatives which the Chair desires to lay before the Senate at this time.

AMENDMENT OF CODE RELATING TO PROCEDURE IN CONDEMNATION PROCEEDINGS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 82) to amend title 28 of the United States Code so as to add thereto a chapter relating to procedure in condemnation proceedings, which were: On page 1, strike out all after line 2 over to and including line 4 on page 11; on page 11, line 5, strike out "SEC. 4. Notwithstanding" and insert "That notwithstanding"; and on page 11, line 9, after "effective" insert "until April 1, 1952."

And to amend the title so as to read: "Joint resolution to postpone the effective date of amendments to the Rules of Civil Procedure for the United States District Courts."

Mr. McCARRAN. Mr. President, the subject before us is of considerable moment. Unless the joint resolution is passed the rule of court involved will become effective at the end of this month.

I make the following motion with respect to the amendments of the House of Representatives to Senate Joint Resolution 82:

First. Agree to the House amendments Nos. 1 and 2.

Second. Disagree to the House amendment No. 3.

Third. Agree to the amendment of the House to the title of the joint resolution with an amendment, as follows: In lieu of the amended title as proposed by the House amendment, amend the title so as to read: "Joint resolution providing that the amendments to the Rules of Civil Procedure for the United States District Courts reported to the Congress by the Supreme Court on May 1, 1951, shall not become effective."

Mr. President, Senate Joint Resolution 82 was reported from the Committee on the Judiciary to the Senate as an original committee resolution on July 9, 1951. In the consideration of this resolution the committee voted unanimously to reject the rule as reported by the Supreme Court to the Congress, and by another unanimous vote reported the joint resolution to the Senate. The rule, as reported and submitted by the Supreme Court, provided for a uniform procedure relating to conduct and trial of condemnation proceedings. While the committee was of the opinion that the rule was meritorious, it had objection to section (H) of that rule, which gave the Court the discretion to determine whether or not the issue of just compensation in a condemnation proceeding should be tried before a jury or given to commissioners for that purpose. In other words, there was no right of trial by jury provided for the parties thereto should they make such a demand.

In order to attempt to carry out the intent of the Supreme Court insofar as it was compatible with the views of the Congress, the committee in Senate Joint Resolution 82 set forth all of the rule as submitted by the Supreme Court with the objectionable feature just referred to omitted therefrom, so that a jury trial could be had upon the request of any of the parties. As stated, this resolution was only an effort to carry out what the committee believed to be the intention of the Supreme Court. On July 11, 1951, the joint resolution was unanimously passed by the Senate.

The first amendment of the House to Senate Joint Resolution 82 will delete from the resolution all of the matter the Senate passed in order to carry out the intention of the Supreme Court, and under such amendment the laws relating to condemnation proceedings will remain as they have been and now are in effect. It is my feeling that the Senate can agree to this amendment for the reason that under present law in at least 41 States the right of jury trial and condemnation proceedings is afforded.

The second amendment of the House is technical in nature and has no bearing upon the merits of the joint resolution. Therefore, it is my opinion that the Senate should concur therein.

The third House amendment to the joint resolution simply postpones the effective date when the rules as submitted by the Supreme Court would go into effect. They will go into effect, under that amendment on April 1, 1952, unless there be another congressional enactment before that date. This also means that there shall be before the Congress until April 1, 1952, rules which have been reported by the Supreme Court. In my opinion, this will tend to hamstring the Court from submitting substitute rules after it has had an opportunity to reexamine the objections raised to the present rule. In addition to that feature, it is my opinion that merely postponing the effective date of the rule is tantamount to approving the rule as submitted, which in principle is in variance with the recorded desires of the Committee on the Judiciary, when it voted unanimously to reject the rule as submitted.

My motion on this amendment of the House is to disagree. If the House will recede from this amendment, the result will be that the rule will not become effective on August 1, 1951, which will leave the way clear for the Supreme Court under the law to submit another rule of procedure in condemnation proceedings on or before May 1, 1952, which is only 1 month later than the effective date of the rule as proposed by the House amendment.

The amendment to the title of the joint resolution simply reflects what will be the effect of the joint resolution in the event the House recedes from the amendment, which is proposed to be disagreed to by the Senate.

Therefore, Mr. President, I move the adoption of the motion I have heretofore made, namely, that the Senate agree to House amendments Nos. 1 and 2, that the Senate disagree to House amendment No. 3, and that the Senate agree to the amendment made by the House of Representatives to the title of the joint resolution, with an amendment, as follows: In lieu of the amended

title as proposed by the House amendment, amend the title so as to read:

Joint resolution providing that the amendments to the rules of civil procedure for the United States district courts reported to the Congress by the Supreme Court on May 1, 1951, shall not become effective.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

SIDNEY YOUNG HUGHES

The VICE PRESIDENT laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 1103) for the relief of Sidney Young Hughes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCARRAN. Mr. President, this is a private immigration bill, for the relief of Sidney Young Hughes. As it passed the House, this bill granted the status of permanent residence to Mr. Hughes, an alien, who had been convicted of a crime involving moral turpitude.

The Senate Judiciary Committee amended the bill by striking out all after the enacting clause, and substituting in lieu thereof language which would remove the impediment to the alien's admission for permanent residence because of his conviction. The effect of the Senate language would be to require the alien to go to Canada to procure an immigration visa, and to pass all of the other tests which an alien must undergo; so that if this alien should prove excludible on any grounds other than the previous conviction, he might still be excluded.

The Senate passed the bill in accordance with the Judiciary Committee's recommendation.

The House has now disagreed to the Senate amendment, and has requested a conference with the Senate thereon.

I now move that the Senate insist on its amendment, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McCARRAN, Mr. EASTLAND, and Mr. JENNER conferees on the part of the Senate.

STEFAN LENARTOWICZ AND HIS WIFE, IRENE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 360) for the relief of Stefan Lenartowicz and his wife, Irene, which was, to strike out all after "proper" in line 10 down to and including "available" in line 12, and insert "quota officer to deduct two numbers from the number of displaced persons who shall be granted the status of permanent residence pursuant to section 4 of the Displaced Persons Act, as amended (62 Stat. 1011; 64 Stat. 219; 50 U. S. C. App. 1953)."

Mr. McCARRAN. This is a private immigration bill which the House has amended. The bill as originally approved by the Senate provided for making a deduction from the appropriate quota. The House has amended this to provide for a deduction from the number of displaced persons who shall be granted the status of permanent residence. By way of explanation, let me say to my colleagues that in the amendment to the displaced persons act which we passed at the last session, it was provided that certain displaced persons already in the United States might be granted the status of permanent residents at the discretion of the Attorney General and with the approval of the Congress. The procedure which the House has implemented by its amendment to this bill would charge the beneficiaries to this group of displaced persons, rather than charging the regular immigration quotas.

The House has done this not only in the case of this bill, but also in connection with two other bills which I shall call up shortly.

It appears that the aliens involved in all of these bills are in fact displaced persons, but are ineligible for adjustment of their status under the Displaced Persons Act because of the strict provisions of that law. It seems desirable that the policy brought forward by the House be made uniform in both Houses, with respect to such cases.

Accordingly, I move that the Senate concur in the House amendment to this bill.

The motion was agreed to.

SISTER BERTHA PFEIFFER AND SISTER ELZBIETA ZABINSKA

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 470) for the relief of Sister Bertha Pfeiffer and Sister Elzbieta Zabinska, which was, on page 2, line 1, strike out all after "numbers" down to and including "available" in line 2, and insert "from the number of displaced persons who shall be granted the status of permanent residence pursuant to section 4 of the Displaced Persons Act, as amended (62 Stat. 1011; 64 Stat. 219; 50 U. S. C. App. 1953)."

Mr. McCARRAN. This is a bill which the House has amended in the same manner as I explained in connection with the previous bill; and I now move that the Senate concur in the House amendment.

The motion was agreed to.

JAN JOSEF WIECKOWSKI AND HIS WIFE AND DAUGHTER

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1229) for the relief of Jan Josef Wieckowski and his wife and daughter, which was, to strike out all after "deduct" in line 11 down to and including "available" in line 12, and insert "three numbers from the number of displaced persons who shall be granted the status of permanent residence pursuant to section 4 of the Displaced Persons Act, as amended (62 Stat. 1011; 64 Stat. 219; 50 U. S. C. App. 1953)."

Mr. McCARRAN. Mr. President, this is another bill in which the amendment already explained has been made by the House. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HELMUTH RUSSOW AND VOLKER HARPE

Mr. McCARRAN. Mr. President, on July 23, 1951, when the calendar was called, Senate bill 168, for the relief of Helmuth Russow and Volker Harpe, a private immigration bill, passed the Senate unanimously.

Examination of the bill as passed discloses that the title should be amended.

Mr. President, I ask unanimous consent that the title of the bill be amended so as to conform with the text of the bill, and to read "For the relief of Helmuth Assmas Balthasar Russow and Volker Harpe.

The VICE PRESIDENT. Without objection, it is so ordered.

MRS. ROSE A. MONGRAIN—RECOMMITTAL OF BILL

Mr. McCARRAN. Mr. President, on March 19, 1951, the bill H. R. 857, an act for the relief of Mrs. Rose A. Mongrain, was reported from the Committee on the Judiciary and is now pending on the Senate Calendar, Order No. 179.

At its meeting on Tuesday of this week, the Committee on the Judiciary ordered that request be made that this bill be recommitted to the committe for further consideration.

Accordingly, Mr. President, I now ask unanimous consent that the bill H. R. 857, for the relief of Mrs. Rose A. Mongrain, be recommitted to the Committee on the Judiciary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

SETTLEMENT OF MARITIME CLAIMS—REREFERENCE OF BILL

Mr. McCARRAN. Mr. President, there is pending before the Committee on the Judiciary the bill (S. 313) to authorize the Secretaries of the Army and Air Force to settle, pay, adjust, and compromise certain maritime claims for damages.

On April 17, 1951, the House of Representatives passed a companion bill, H. R. 1764, and on April 18, 1951, it was referred to the Senate Committee on Armed Services.

Pursuant to an order of the Senate Judiciary Committee, entered on June 25, 1951, I move that the Committee on the Judiciary be discharged from further consideration of S. 313 and that it be referred to the Senate Committee on Armed Services.

The VICE PRESIDENT. Without objection, the motion is agreed to, and the bill will be rereferred.

PROTECTION AGAINST MISBRANDING, ETC., OF FUR PRODUCTS AND FURS—CONFERENCE REPORT

Mr. JOHNSON of Colorado. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2321) to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2321) to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as the 'Fur Products Labeling Act.'

"SEC. 2. As used in this Act—

"(a) The term 'person' means an individual, partnership, corporation, association, business trust, or any organized group of any of the foregoing.

"(b) The term 'fur' means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins as are to be converted into leather or which in processing shall have the hair, fleece, or fur fiber completely removed.

"(c) The term 'used fur' means fur in any form which has been worn or used by an ultimate consumer.

"(d) The term 'fur product' means any article of wearing apparel made in whole or in part of fur or used fur; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained therein.

"(e) The term 'waste fur' means the ears, throats, or scrap pieces which have been severed from the animal pelt, and shall include mats or plates made therefrom.

"(f) The term 'invoice' means a written account, memorandum, list, or catalog, which is issued in connection with any commercial dealing in fur products or furs, and describes the particulars of any fur products or furs, transported or delivered to a purchaser, consignee, factor, bailee, correspondent, or agent, or any other person who is engaged in dealing commercially in fur products or furs.

"(g) The term 'Commission' means the Federal Trade Commission.

"(h) The term 'Federal Trade Commission Act' means the Act entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes,' approved September 26, 1914, as amended.

"(i) The term 'Fur Products Name Guide' means the register issued by the Commission pursuant to section 7 of this Act.

"(j) The term 'commerce' means commerce between any State, Territory, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

"(k) The term 'United States' means the several States, the District of Columbia, and the Territories and possessions of the United States.

"MISBRANDING, FALSE ADVERTISING, AND INVOICING DECLARED UNLAWFUL

"SEC. 3. (a) The introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product which is misbranded or falsely or deceptively advertised or invoiced, within the meaning of this Act or the rules and regulations prescribed under section 8 (b), is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(b) The manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, and which is misbranded or falsely or deceptively advertised or invoiced, within the meaning of this Act or the rules and regulations prescribed under section 8 (b), is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(c) The introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur which is falsely or deceptively advertised or falsely or deceptively invoiced, within the meaning of this Act or the rules and regulations prescribed under section 8 (b), is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(d) Except as provided in subsection (e) of this section, it shall be unlawful to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any fur product is sold and delivered to the ultimate consumer, any label required by this act to be affixed to such fur product, and any person violating this subsection is guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(e) Any person introducing, selling, advertising, or offering for sale, in commerce, or processing for commerce, a fur product, or any person selling, advertising, offering for sale or processing a fur product which has been shipped and received in commerce, may substitute for the label affixed to such product pursuant to section 4 of this act, a label conforming to the requirements of such section, and such label may show in lieu of the name or other identification shown pursuant to section 4 (2) (E) on the label so removed, the name or other identification of the person making the substitution. Any person substituting a label shall keep such records as will show the information set forth on the label that he removed and the name or names of the person or persons from whom such fur product was received, and shall preserve such records for at least three years. Neglect or refusal to maintain and preserve such records is unlawful, and any person who shall fail to maintain and preserve such records shall forfeit to the United States the sum of $100 for each day of such failure which shall accrue to the United States and be recoverable by a civil action. Any person substituting a label who shall fail to keep and preserve such records, or who shall by such substitution misbrand a fur product, shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(f) Subsections (a), (b), and (c) of this section shall not apply to any common carrier, contract carrier or freight forwarder in respect of a fur product or fur shipped, transported, or delivered for shipment in commerce in the ordinary course of business.

"MISBRANDED FUR PRODUCTS

"SEC. 4. For the purposes of this Act, a fur product shall be considered to be misbranded—

"(1) if it is fasely or deceptively labeled or otherwise falsely or deceptively identified, or if the label contains any form of misrepresentation or deception, directly or by implication, with respect to such fur product;

"(2) if there is not affixed to the fur product a label showing in words and figures plainly legible—

"(A) the name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur, and such qualifying statement as may be required pursuant to section 7 (c) of this Act;

"(B) that the fur product contains or is composed of used fur, when such is the fact;

"(C) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

"(D) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

"(E) the name, or other identification issued and registered by the Commission, of one or more of the persons who manufacture such fur product for introduction into commerce, introduce it into commerce, sell it in commerce, advertise or offer it for sale in commerce, or transport or distribute it in commerce;

"(F) the name of the country of origin of any imported furs used in the fur product;

"(3) if the label required by paragraph (2) (A) of this section sets forth the name or names of any animal or animals other than the name or names provided for in such paragraph.

"FALSE ADVERTISING AND INVOICING OF FUR PRODUCTS AND FURS

"SEC. 5. (a) For the purposes of this Act, a fur product or fur shall be considered to be falsely or deceptively advertised if any advertisement, representation, public announcement, or notice which is inteded to aid, promote, or assist directly or indirectly in the sale or offering for sale of such fur product or fur—

"(1) does not show the name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur, and such qualifying statement as may be required pursuant to section 7 (c) of this Act;

"(2) does not show that the fur is used fur or that the fur product contains used fur, when such is the fact;

"(3) does not show that the fur product or fur is bleached, dyed, or otherwise artificially colored fur when such is the fact;

"(4) does not show that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

"(5) contains the name or names of any animal or animals other than the name or names specified in paragraph (1) of this subsection, or contains any form of misrepresentation or deception, directly or by implication, with respect to such fur product or fur;

"(6) does not show the name of the country of origin of any imported furs or those contained in a fur product.

"(b) For the purposes of this Act, a fur product or fur shall be considered to be falsely or deceptively invoiced—

"(1) if such fur product or fur is not invoiced to show—

"(A) the name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur, and such qualifying statement as may be required pursuant to section 7 (c) of this Act;

"(B) that the fur product contains or is composed of used fur, when such is the fact;

"(C) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

"(D) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

"(E) the name and address of the person issuing such invoice;

"(F) the name of the country of origin of any imported furs or those contained in a fur product;

"(2) if such invoice contains the name or names of any animal or animals other than the name or names specified in paragraph (1) (A) of this subsection, or contains any form of misrepresentation or deception, directly or by implication, with respect to such fur product or fur.

"EXCLUSION OF MISBRANDED OR FALSELY INVOICED FUR PRODUCTS OR FURS

"SEC. 6. (a) Fur products imported into the United States shall be labeled so as not to be misbranded within the meaning of section 4 of this Act; and all invoices of fur products and furs required under title IV of the Tariff Act of 1930, as amended, shall set forth, in addition to the matters therein specified, information conforming with the requirements of section 5 (b) of this Act, which information shall be included in the invoices prior to their certification under the Tariff Act of 1930, as amended.

"(b) The falsification of, or failure to set forth, said information in said invoices, or the falsification or perjury of the consignee's declaration provided for in the Tariff Act of 1930, as amended, insofar as it relates to said information, shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or fails to set forth, said information in said invoices, or who falsifies or perjures said consignee's declaration insofar as it relates to said information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any fur products or furs into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said fur products and furs, and any duty thereon, conditioned upon compliance with the provisions of this section.

"(c) A verified statement from the manufacturer, producer of, or dealer in, imported fur products and furs showing information required under the provisions of this Act may be required under regulations prescribed by the Secretary of the Treasury.

"NAME GUIDE FOR FUR PRODUCTS

"SEC. 7. (a) The Commission shall, with the assistance and cooperation of the Department of Agriculture and the Department of the Interior, within six months after the date of the enactment of this Act, issue, after holding public hearings, a register setting forth the names of hair, fleece, and fur-bearing animals, which shall be known as the Fur Products Name Guide. The names used shall be the true English names for the animals in question, or in the absence of a true English name for an animal, the name by which such animals can be properly identified in the United States.

"(b) The Commission may, from time to time, with the assistance and cooperation of the Department of Agriculture and Department of the Interior, after holding public hearings, add to or delete from such register the name of any hair, fleece, or fur-bearing animal.

"(c) If the name of an animal (as set forth in the Fur Products Name Guide) connotes a geographical origin or significance other than the true country or place of origin of such animal, the Commission may require whenever such name is used in setting forth the information required by this Act, such qualifying statement as it may deem necessary to prevent confusion or deception.

"ENFORCEMENT OF THE ACT

"SEC. 8. (a) (1) Except as otherwise specifically provided in this Act, sections 3, 6, and 10 (b) of this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

"(2) The Commission is authorized and directed to prevent any person from violating the provisions of sections 3, 6, and 10 (b) of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating any provision of section 3, 6, or 10 (b) of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

"(b) The Commission is authorized and directed to prescribe rules and regulations governing the manner and form of disclosing information required by this Act, and such further rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act.

"(c) The Commission is authorized (1) to cause inspections, analyses, tests, and examinations to be made of any fur product or fur subject to this Act; and (2) to cooperate, on matters related to the purposes of this Act, with any department or agency of the Government; with any State, Territory, or possession, or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

"(d) (1) Every manufacturer or dealer in fur products or furs shall maintain proper records showing the information required by this Act with respect to all fur products or furs handled by him, and shall preserve such records for at least three years.

"(2) The neglect or refusal to maintain and preserve such records is unlawful, and any such manufacturer or dealer who neglects or refuses to maintain and preserve such records shall forfeit to the United States the sum of $100 for each day of such failure which shall accrue to the United States and be recoverable by a civil action.

"CONDEMNATION AND INJUNCTION PROCEEDINGS

"SEC. 9. (a) (1) Any fur product or fur shall be liable to be proceeded against in the district court of the United States for the district in which found, and to be seized for confiscation by process of libel for condemnation, if the Commission has reasonable cause to believe such fur product or fur is being manufactured or held for shipment, or shipped, or held for sale or exchange after shipment, in commerce, in violation of the provisions of this Act, and if after notice from the Commission the provisions of this Act with respect to such fur product or fur are not shown to be complied with. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty, and may be brought by the Commission.

"(2) If such fur products or furs are condemned by the court, they shall be disposed of, in the discretion of the court, by destruction, by sale, by delivery to the owner or claimant thereof upon payment of legal costs and charges and upon execution of good and sufficient bond to the effect that such fur or fur products will not be disposed of until properly marked, advertised, and invoiced as required under the provisions of this Act; or by such charitable disposition as the court may deem proper. If such furs or fur products are disposed of by sale, the proceeds, less legal costs and charges, shall be paid into the Treasury of the United States as miscellaneous receipts.

"(b) Whenever the Commission has reason to believe that—

"(1) any person is violating, or is about to violate, section 3, 6, or 10 (b) of this Act; and

"(2) it would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint dismissed by the Commission or set aside by the court on review, or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

"GUARANTY

"SEC. 10. (a) No person shall be guilty under section 3 if he establishes a guaranty received in good faith signed by and containing the name and address of the person residing in the United States by whom the fur product or fur guaranteed was manufactured or from whom it was received, that said fur product is not misbranded or that said fur product or fur is not falsely advertised or invoiced under the provisions of this Act. Such guaranty shall be either (1) a separate guaranty specifically designating the fur product or fur guaranteed, in which case it may be on the invoice or other paper relating to such fur product or fur; or (2) a continuing guaranty filed with the Commission applicable to any fur product or fur handled by a guarantor, in such form as the Commission by rules and regulations may prescribe.

"(b) It shall be unlawful for any person to furnish, with respect to any fur product or fur, a false guaranty (except a person relying upon a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the fur product or fur guaranteed was manufactured or from whom it was received) with reason to believe the fur product or fur falsely guaranteed may be introduced, sold, transported, or distributed in commerce, and any person who violates the provisions of this subsection is guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

"CRIMINAL PENALTY

"SEC. 11. (a) Any person who willfully violates section 3, 6, or 10 (b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $5,000, or be imprisoned not more than one year, or both, in the discretion of the court.

"(b) Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

"APPLICATION OF EXISTING LAWS

"SEC. 12. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of Congress.

"SEPARABILITY OF PROVISIONS

"SEC. 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

"EFFECTIVE DATE

"SEC. 14. This Act, except section 7, shall take effect one year after the date of its enactment."

And the Senate agree to the same.

ED. C. JOHNSON,
ERNEST W. MCFARLAND,
WARREN G. MAGNUSON, Jr.,
OWEN BREWSTER,
HOMER E. CAPEHART,
Managers on the Part of the Senate.

LINDLEY BECKWORTH,
J. PERCY PRIEST,
OREN HARRIS,
CHAS. A. WOLVERTON,
JOS. P. O'HARA,
Managers on the Part of the House.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by me explaining the conference report.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JOHNSON OF COLORADO

When this proposed legislation was considered by the Senate on June 21, the text of the companion Senate bill (S. 508) was substituted for the language of the House bill. In addition certain amendments offered by the junior Senator from Massachusetts [Mr. LODGE] were adopted. The House disagreed to the Senate substitute and asked for a conference.

The conferees have had two meetings, and the report has the unanimous approval of the 10-man conference committee. Briefly, the House conferees agreed to accept the Senate substitute with these exceptions: Minor changes, in the nature of perfecting amendments, were made in the bill, and a substitute amendment, for the Lodge amendments, proposed by the House conferees, was adopted.

This is how the matter was handled in the Senate and in conference:

The Senate struck out all of the House bill after the enacting clause and inserted an amendment in the nature of a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

While the Senate amendment was a complete substitute for the House bill the actual differences were few.

The following statement explains those provisions of the substitute agreed to in conference which differ from the bill as it passed the House.

AUTHORITY TO SUBSTITUTE LABEL

Section 4 of the bill as it passed the House provided that a fur product should be considered to be misbranded unless there was affixed thereto a label giving certain specified information. Among the information required to be given was the name, or other identification issued and registered by the Federal Trade Commission, of one or more of the persons who manufacture the fur product for introduction into interstate commerce, introduce it into interstate commerce, sell it in interstate commerce, advertise or offer it for sale in interstate commerce, or transport or distribute it in interstate commerce.

Section 3 of the House bill prohibited the removal or mutilation of any such label, except that it was provided that any person introducing, selling, advertising, or offering for sale, in interstate commerce, or processing for interstate commerce, a fur product could substitute for the label affixed to the product a label conforming to the requirements of section 4, showing, in lieu of the name or other identification shown pursuant to section 4, the name or other identification of the person making the substitution. It was provided that any person making such a substitution should keep records showing the information on the label removed and the name of the person from whom the fur product was received.

The provisions of the Senate amendment were the same as those of the House bill, except that the privilege of label substitution was also given to an additional class of persons, that is, any person selling, advertising, or processing a fur product after the interstate movement had been completed.

The conference substitute, in section 3 (e), includes this feature from the Senate amendment, but in the interest of effective enforcement it is provided (1) that records as to substitution of labels shall be preserved for 3 years; (2) that any person failing to keep the required records shall forfeit to the United States $100 for each day of such failure, such penalty to be recoverable in a civil action; and (3) that failure to keep such records, or substitution of a label in such manner as to misbrand the fur product, shall constitute an unfair method of competition and an unfair or deceptive act or practice under the Federal Trade Commission Act.

COUNTRY OF ORIGIN

Both the House bill and the Senate amendment provided that fur products shall be considered to be misbranded, and that furs or fur products shall be considered to be falsely or deceptively advertised or invoiced, unless certain specified information is shown in the labeling, advertising, or invoice. However, the Senate amendment contained requirements, not contained in the House bill, that the label, advertisement, or invoice show the name of the country of origin of any imported furs used in a fur product and that the advertisement or invoice show the name of the country of origin in the case of any imported fur. These requirements which were contained in the Senate amendment are included in sections 4 and 5 of the conference substitute.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS, 1952

The VICE PRESIDENT. In accordance with the unanimous-consent agreement heretofore entered into, the Chair lays before the Senate the bill (H. R. 3282) making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes.

The question before the Senate is on agreeing to the committee amendment on page 15, line 14. Without objection, the amendment is agreed to.

The Secretary will state the next amendment.

The next amendment was, under the subhead "Transportation of mails," on page 15, line 20, after the word "payments", to strike out the comma and "current and prior fiscal years."

The amendment was agreed to.

Mr. DOUGLAS. Mr. President, I have just come into the Chamber. Was the appropriation on page 16, line 2, approved?

The VICE PRESIDENT. No; we have not reached that yet. The committee amendment on page 15, line 14, was agreed to. Also, without objection, the committee amendment on page 15, line 20, was agreed to.

The Secretary will state the next amendment.

The next amendment was, on page 15, in line 22, after the word "facilities", to insert "including current and prior fiscal years."

The amendment was agreed to.

The next amendment was, on page 16, line 2, after the word "service", to strike out "$465,000,000" and insert "$466,000,000."

Mr. DOUGLAS. I call up my amendment B, July 26, 1951, which has been misprinted. As printed, it is addressed to House bill 3973. It should be House bill 3282.

The VICE PRESIDENT. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 16, line 2, it is proposed to strike out "$466,000,000" and insert "$450,000,000."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois to the committee amendment.

Mr. DOUGLAS. Mr. President, last year the appropriations for transportation of mails amounted to $438,000,000. In the pending bill the House appropriated $465,000,000. The Senate committee has raised the figure to $466,000,000, which is $1,000,000 more than the House figure, and $28,000,000 more than the appropriation of last year, or an increase of 6½ percent, although it is estimated that there will be an increase of only 3.7 percent in the volume of traffic.

Furthermore attention should be called to the fact that the requested appropriation of $466,000,000 does not include any allowance for increased rates for mail transportation which may be authorized by the Interstate Commerce Commission. That will be taken care of in a deficiency appropriation, to follow later; so that we are being asked to appropriate 6½ percent more money for a 3.7 percent increased volume of business.

In the past, I think we have tended to take the appropriations for transportation of mails too much for granted. What happens, as we all know, is that the Interstate Commerce Commission fixes the rates for transportation of mails by the railroads and charges the cost to the Post Office. The Civil Aeronautics Board then fixes the rates for air transportation, and charges the amount to the Post Office. Also, the Maritime Administration fixes the rates on mail carried by ships, and charges the cost to the Post Office Department.

Certainly there are subsidies connected with both the transportation of air mail and the transportation of sea mail. I have heard competent authorities express the belief that, of the $60,000,000 paid the air lines for domestic transportation of mail, at least half this amount is a subsidy, and that, of the approximately equal amount of $60,000,000 paid to air lines for the foreign

transportation of mails, probably two-thirds is a subsidy; so that, in effect, the Post Office is being saddled with a $70,000,000 subsidy.

I know that the Civil Aeronautics Board is passing on the question whether, in the case, I believe, of the four major airlines, it cannot segregate the actual expense of carrying the mails from the subsidy, and we hope a ruling may be handed down. But what we have done, I am afraid, has been to turn the Post Office over to these three regulatory bodies, which are peculiarly susceptible to pressure from the airlines, from the ocean shipping companies, and from the railroads, respectively, which can fix any rates they wish, and the Post Office must pay the bill.

I believe that in the long run Congress should exercise a much closer degree of supervision over these alleged regulatory bodies, which in my judgment have been taking the Post Office for something of a ride. If it is necessary, as it may well be, to pay some subsidies to the airlines in order to maintain them for purposes of potential national defense, and some subsidies to the ship operators for similar purposes, at the very least the amounts of the subsidies should be segregated from the actual cost plus a fair profit for transporting the mail; so that we may know precisely what the subsidy amounts to. It would seem to me, as a matter of fact, that in such an event we should not ask the Post Office to bear the subsidy, but that it should be charged to the Defense Department, and should be a direct item.

Now, Mr. President, I should like to ask this question: Why should we vote money to take care of an increase in volume of postal business before we know whether there is actually going to be an increase in volume? Some days ago I pointed out that the Post Office and Civil Service Committee has pending before it a bill to increase postal rates. There has been great difficulty in getting a bill on this subject from that committee. During past years, when such a bill has been reported from the committee, it has been returned to the committee, and never gets up from the cellar for a vote. I know some of the difficulties connected with this matter, and some of the forces which are operating. Nevertheless, I hope that a postal rate increase bill will be passed by the Congress at this session in order that the subsidies to the newspapers and magazines, the direct-mail advertisers, the mail-order houses, those who use parcel post, or the users of second-, third-, or fourth-class mail, the cost of which now amounts to $300,000,000 a year at least, can be either completely eliminated or greatly curtailed. When that happens—and I pray to God it may happen—the increase of rates will certainly diminish the volume of the mail. If the rates on fourth-class matter are increased, the express companies will get a much larger share of the traffic. If the rate on second-class matter on newspapers and magazines is increased, it will be found that trucks will be used to a much greater degree in distributing issues of newspapers and magazines from metropolitan centers, and the strain upon the post office will be lessened. Increased rates on third class, or unsealed advertising matter generally, will certainly bring about a decrease in the volume of direct mail advertising. So that if we get this vitally necessary reform adopted, instead of the volume increasing by 3.7 percent, there is every prospect that the volume will decrease.

What I am proposing is really very modest. We should not increase the appropriations, by 6½ percent, to take care of an expected 3.7-percent increase in volume, which may well never occur. My proposal is that we make an increase of only a little more than 2½ percent above last year, and save $16,000,000; because the more money we put into the kitty, the more money will be available for distribution.

Mr. President, here is a chance to save $16,000,000. I very much hope that the amendment will be agreed to.

Mr. KILGORE. Mr. President, during World War I, I heard a story of a farmer who undertook to feed his cow on sawdust by placing green glasses over her eyes. She learned to eat the sawdust, but, unfortunately, she died. It is all right to indulge in wishful thinking about increased mail rates, but we are asking the Post Office Department to do something which I very greatly fear is "passing the buck." We are sitting back and not taking action on raising rates, but are gazing into a crystal ball and endeavoring to force a raise of rates by cutting down on funds for the transportation of the mail.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. KILGORE. Not at this time.

The VICE PRESIDENT. The Senator from West Virginia declines to yield.

Mr. KILGORE. Last year the Appropriations Committee recommended and the Senate approved funds for investigation of airmail rates. That job was entrusted to a committee of the United States Senate. Up to this time there has been no report. Two years previously the Appropriations Committee recommended and the Congress approved the expenditure of money by the CAB, with an audit, so we could determine how much subsidy there was and how much was truly from airmail haulage. As yet there has been no report on that matter. It is true that there are subsidies, but we cannot tell how much they amount to.

Mr. President, we cannot increase the income from a dairy by reducing the feed of the cows. We increase the income by feeding the cows better and getting a larger production of milk. In this case, the $1,000,000 which was recommended by the committee—

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. KILGORE. Not at this time. I was somewhat amused when my good friend, the senior Senator from Illinois [Mr. DOUGLAS] asked how we could estimate the increase of mail. In 1947 there was an increase of 3.06 percent in the number of pieces of mail handled. In 1948 there was an increase of 7.62 percent. There was an increase in 1949 of 8.13 percent. There was an increase in 1950 of 5.25 percent. In 1951 there is an increase of 2.77 percent. In 1952 the increase is estimated at 3.77 percent, which I think is an extremely conservative estimate.

Mr. President, transportation charges must be paid in accordance with laws passed by Congress, not in accordance with the wishful thinking of any starry-eyed economizers who are contemplating that bills increasing postal rates are going to pass.

The committee and the subcommittee took into consideration the fact that in October there will be increased revenue from parcel post. But Congress cannot take credit for any additional revenue. That was accomplished by the Interstate Commerce Commission. Until we ourselves correct the evil of which we complain we shall have to ask the taxpayers to pay the fiddler. If the mails are to continue to carry such a vast quantity of personal advertising, someone must pay for it. I think Congress, which appropriates the money, cannot shirk its responsibilities by simply saying to the Postmaster General, "You can have just so much money regardless of what the bills are." He has to curtail at some point in order to operate his Department. But on the transportation bills he cannot curtail. That is an uncontrollable item which is fixed by law and by regulation. He cannot go to the CAB and say, "You have got to cut this." The CAB fixes the rate, and he is bound by it. Why? Because the Congress of the United States passed a law to that effect. He is not to blame.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. KILGORE. I did not disturb the Senator from Illinois when he was speaking.

The VICE PRESIDENT. The Senator from West Virginia declines to yield.

Mr. KILGORE. Mr. President, the last time we discussed this bill a statement was made by a Senator who I know was not endeavoring to mislead anyone, although I think he had been slightly misled. He said the Post Office Department had declined or refused or failed to apply for any war-surplus trucks. As a matter of fact, the Post Office Department did apply for 4,525 trucks, but succeeded in getting only 1,185. What happened to the others I do not know. They were a type of truck not adapted to the postal service, but they were used, nevertheless, instead of buying new trucks.

The statement was also made that the Department had refused to obtain surplus typewriters when they were being given away. The actual fact is that the Department applied to the Surplus Property Board to purchase 800 typewriters. They were not being given away. It cost $28 apiece to change the type, because they were of a special design for Army use. So they would cost $76 apiece; and at that time the Post Office Department was able to buy new typewriters at $76 apiece.

Mr. President, it is very easy to make charges of that kind, but I want the RECORD to show that the Postmaster General has not been derelict in his duty in that regard.

It seems to me we come with not exactly the cleanest of hands when we

endeavor to say to the Postmaster General, "You do something which we do not have the intestinal fortitude to do." That was why the subcommittee and the committee added the million dollars. We found the service would probably cost a million dollars, and we hoped the Department could get by with that amount, after the cut made by the House. The appropriation recommended by the Appropriations Committee is still under the budget estimate. According to our estimate, the appropriation would permit the Department to operate and make sure that the mails were carried.

Members of the Senate know that the only mail which pays its way is first-class mail. Efforts have been made to increase postal rates, but the bills never get out of committee. So what chance have we of rapping the Postmaster General and his staff over the knuckles with an arbitrary cut when we ourselves have not done the very job about which we complain?

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. KILGORE. I yield to the Senator from Illinois.

Mr. DOUGLAS. Does the Senator from West Virginia mean to say that the newspaper lobby, the magazine lobby, the direct-mail-advertising lobby, the mail-order lobby are more powerful than the people of the United States, and that they can keep postal-rate-increase bills bottled up in committee forever?

Mr. KILGORE. I may say to the Senator from Illinois that I am not a member of the Committee on Post Office and Civil Service. Therefore, I do not know what malignant influences or what benign influences are at work there. But I know that no such bill has reached the calendar, and until a bill reaches the calendar, is passed by Congress, and is signed by the President and becomes law, the Postmaster General is hog-tied.

Mr. DOUGLAS. I have observed that no bill has reached the calendar, but is it not true that if we were to cut down on the amount of the appropriations for carrying the mails there might be a little stimulation so that such a bill or bills will reach the calendar and will be passed?

Mr. KILGORE. Very well; we can put green glasses on the cow and feed her sawdust, but the transportation costs will continue, and the Postmaster General will not be able to pay the bills. When he receives a bill, he must pay the bill, or pay interest on the amount involved, and interest sometimes runs up to a sizable amount.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. CARLSON. I should like to make a brief observation. There has been some discussion about getting on the calendar and to the Senate floor a bill increasing postal rates. I am a member of the Committee on Post Office and Civil Service, and I wish to tell the Senator that the committee has approved a postal rate increase bill, and it will be on the calendar in a few days.

Mr. KILGORE. I may say to the Senator from Kansas that in some quarters it may be customary to start cutting up a steak—well, I will not speak of steak, because it is too expensive, but I will say horse meat instead—before one has been to the meat market to buy it. A saving cannot be effected until the necessary legislation has actually been passed. I have the utmost respect for the Senator from Kansas. I believe he has tried to do his very best, and I know other members of the Post Office and Civil Service Committee are trying to do their very best, but, as I said, we cannot begin cutting up a steak—I believe I changed that to horse meat—until the necessary legislation has been passed.

Mr. CARLSON. Mr. President, will the Senator again yield?

Mr. KILGORE. I yield.

Mr. CARLSON. It is not my intention to get into any discussion of the merits or demerits of the amendment of the Senator from Illinois. I merely wanted to say that the Senator from West Virginia can be assured that a postal rate increase bill will be placed on the Senate Calendar before very long.

Mr. KILGORE. I certainly hope that the wishes of the Senator from Kansas for the welfare and betterment of the taxpayers of this Nation will be fulfilled. But, based upon experiences in the past few years, I am not too hopeful.

For the reason stated, Mr. President, I hope the amendment offered by the Senator from Illinois will not be agreed to, and that the committee amendment will be approved.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DOUGLAS] to the committee amendment, on page 16, line 2, to strike out "$466,000,000" and insert in lieu thereof "$450,000,000." [Putting the question.]

Mr. KILGORE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hickenlooper	Monroney
Bennett	Hill	Moody
Benton	Hoey	Morse
Bricker	Holland	Mundt
Bridges	Hunt	Nixon
Butler, Md.	Ives	O'Conor
Byrd	Johnson, Colo.	O'Mahoney
Capehart	Johnson, Tex.	Pastore
Carlson	Kem	Robertson
Clements	Kerr	Russell
Connally	Kilgore	Schoeppel
Cordon	Knowland	Smathers
Dirksen	Langer	Smith, Maine
Douglas	Lehman	Smith, N. C.
Dworshak	Lodge	Sparkman
Eastland	Magnuson	Stennis
Ecton	Malone	Taft
Ferguson	Maybank	Underwood
Frear	McCarran	Watkins
Gillette	McCarthy	Wherry
Green	McClellan	Williams
Hayden	McFarland	Young
Hendrickson	McKellar	
Hennings	Millikin	

The VICE PRESIDENT. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] to the committee amendment on page 16, line 2.

Mr. KILGORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. SCHOEPPEL (when his name was called). On this vote I have a pair with the Senator from South Carolina [Mr. JOHNSTON]. If he were present and voting, I am informed that he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The roll call was concluded.

Mr. McCARTHY. I have a pair with the Senator from West Virginia [Mr. NEELY]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea."

I therefore withhold my vote.

Mr. JOHNSON of Texas. I announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ], the Senators from Louisiana [Mr. ELLENDER and Mr. LONG], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Montana [Mr. MURRAY], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

The Senator from Georgia [Mr. GEORGE] is absent by leave of the Senate.

The Senator from Connecticut [Mr. McMAHON] is absent by leave of the Senate on official business of the Committee on Foreign Relations.

The Senator from New Mexico [Mr. CHAVEZ] is paired on this vote with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from New Jersey would vote "yea."

Mr. WHERRY. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. CASE], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness. If present and voting, the Senator from New Hampshire [Mr. TOBEY] would vote "yea."

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate on official business.

The Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from New Jersey [Mr. SMITH] are absent by leave of the Senate to attend the funeral of Admiral Forrest P. Sherman.

The Senator from Pennsylvania [Mr. DUFF] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

On this vote the Senator from New Jersey [Mr. SMITH] is paired with the Senator from New Mexico [Mr. CHAVEZ]. If present and voting, the Senator from New Jersey would vote "yea" and

the Senator from New Mexico would vote "nay."

The result was announced—yeas 35, nays 33, as follows:

YEAS—35

Aiken	Gillette	Moody
Bennett	Hendrickson	Mundt
Bricker	Hennings	Nixon
Bridges	Hickenlooper	O'Conor
Butler, Md.	Hoey	Smathers
Byrd	Holland	Smith, Maine
Capehart	Ives	Stennis
Dirksen	Kem	Taft
Douglas	Knowland	Watkins
Dworshak	Lodge	Wherry
Ferguson	McClellan	Williams
Frear	Millikin	

NAYS—33

Benton	Johnson, Colo.	McKellar
Carlson	Johnson, Tex.	Monroney
Clements	Kerr	Morse
Connally	Kilgore	O'Mahoney
Cordon	Langer	Pastore
Eastland	Lehman	Robertson
Ecton	Magnuson	Russell
Green	Malone	Smith, N. C.
Hayden	Maybank	Sparkman
Hill	McCarran	Underwood
Hunt	McFarland	Young

NOT VOTING—28

Anderson	George	Neely
Brewster	Humphrey	Saltonstall
Butler, Nebr.	Jenner	Schoeppel
Cain	Johnston, S. C.	Smith, N. J.
Case	Kefauver	Thye
Chavez	Long	Tobey
Duff	Martin	Welker
Ellender	McCarthy	Wiley
Flanders	McMahon	
Fulbright	Murray	

So Mr. DOUGLAS' amendment to the committee amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 16, line 2, as amended.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The next committee amendment will be stated.

The next amendment was, under the subhead "General provisions," on page 16, after line 24, to strike out:

SEC. 205. The Postmaster General may authorize the sale of post route and rural delivery maps, opinions of the Solicitor, and transcripts of hearings before trial examiners at such rates as he determines to be fair and reasonable.

The amendment was agreed to.

The next amendment was, on page 17, line 4, to change the section number from "206" to "205."

The amendment was agreed to.

The next amendment was, under the heading "Title IV—General provision," on page 19, after line 18, to insert a new section, as follows:

SEC. 402. No part of the money appropriated by this act or of the funds made available for expenditure by the Export-Import Bank of Washington which is in excess of 75 percent of the amount required to pay the compensation of all persons the budget estimates for personal services heretofore submitted to the Congress for the fiscal year 1952 contemplated would be employed by the Treasury and Post Office Departments and the Export-Import Bank of Washington during such fiscal year in the performance of—

(1) functions performed by a person designated as an information specialist, information and editorial specialist, publications and information coordinator, press relations officer or counsel, photographer, radio expert, television expert, motion-picture expert, or publicity expert, or designated by any similar title, or

(2) functions performed by persons who assist persons performing the functions described in (1) in drafting, preparing, editing, typing, duplicating, or disseminating public information publications or releases, radio or television scripts, magazine articles, photographs, motion pictures, and similar material,

shall be available to pay the compensation of persons performing the functions described in (1) or (2).

PROPOSED CONSIDERATION OF CONFERENCE REPORT ON DEFENSE PRODUCTION ACT OF 1950

Mr. McFARLAND. Mr. President, if I may have the attention of the Senate I wish to make an announcement. I understand that the conferees have come to an agreement on the disagreeing votes of the two Houses on the amendments of the House to the Defense Production Act of 1950, Senate bill 1717. Quite a number of Senators have requested that the conference report be taken up this evening, in order to avoid a session tomorrow, Saturday.

The conference report has not yet been printed. Of course, the rules do not require that a conference report be printed. However, if any objection is made to taking up the conference report, it should go over until another day, until the report has been printed. It may be that when the conference report is filed, the distinguished Senator from South Carolina [Mr. MAYBANK] may move its consideration. If any Senator desires that it go over, I believe it should go over a day, until tomorrow.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McFARLAND. Yes.

Mr. MAYBANK. I merely wish to say that I agree with the distinguished majority leader. Some discussion has been had with respect to whether the conference report should be taken up tomorrow or whether it should be postponed until Tuesday. That subject was discussed earlier today. The Defense Production Act expires on Tuesday. Inasmuch as the House requested the conference, the Senate will have to act first on the conference report. Of course, the committee is pleased to do whatever the majority leader desires to have done; but there cannot be a report until tomorrow, and I think it would be extremely unwise to attempt to take up a matter of this magnitude, which involves practically every aspect of American business and life, I may say, without having the report available.

Of course, I shall ask unanimous consent to file the report during the recess of the Senate following today's session, at any time up until midnight tonight, provided I am not able to file the report before the Senate take a recess today.

The decision as to whether the Senate shall have a session tomorrow is, of course, up to the majority leader and the minority leader. I understand that some Senators will not be here on Monday, and therefore there has been a proposal that a session be held tomorrow.

At any rate, I think it would be a mistake to take up this afternoon a matter of this magnitude, although I shall be glad to do whatever the Senate decides to do.

Mr. WHERRY. Mr. President, in view of the statement of the Senator from South Carolina I should like to ask whether it is expected to have the report before the Senate for consideration this afternoon.

Mr. MAYBANK. The report can be filed and can be printed, of course.

Mr. WHERRY. I understand that; but I wish to ask whether the majority leader intends to request consideration of the conference report this afternoon.

Mr. McFARLAND. If the chairman of the committee feels that it would be a mistake to call up the conference report for consideration, today, I certainly do not wish to move that that be done.

The VICE PRESIDENT. All this discussion is out of order, for the report cannot be considered until it is filed.

Mr. MAYBANK. Mr. President, I ask unanimous consent that I may reply.

The VICE PRESIDENT. Is there objection? Without objection, the Senator from South Carolina may proceed.

Mr. MAYBANK. I understood that an attempt was being made to arrange this matter according to the satisfaction of the Senate, and I simply wished to express my personal opinion.

At this time I ask unanimous consent that the conferees on the part of the Senate may be authorized to file the conference report during the recess following today's session, at any time up until midnight tonight.

Mr. McFARLAND. Mr. President, reserving the right to object, I wish to make it plain that, so far as I am concerned, it is quite all right for the Senate to take up the report this afternoon.

Mr. MAYBANK. I shall not object.

Mr. McFARLAND. Because I wish to accommodate the distinguished minority leader, who does not wish to have to be here tomorrow.

However, I feel that the report must be acted on promptly. On the other hand, if any Senator has any objection to considering it, I think such Senator should speak up and should let his position be known.

The VICE PRESIDENT. Is there objection to the request of the Senator from South Carolina that the committee on conference be permitted to file its report during the recess of the Senate following today's session?

Mr. WHERRY. Mr. President, reserving the right to object, although I shall not object, I wish to ask the distinguished Senator from South Carolina whether he means, by his request that the committee is authorized to file its report during the recess of the Senate, that he intends to have the report considered tomorrow, and that, therefore, there will be a session tomorrow, Saturday.

Mr. MAYBANK. Of course, that decision must be made by the majority leader and the minority leader. I merely request that the report be considered not later than 11 a. m. on Monday, so that it then can go to the House of Representatives on Monday, and can be voted either up or down by Tuesday, because the act expires at midnight on Tuesday.

Mr. WHERRY. Mr. President——

The VICE PRESIDENT. Is the Senator from Nebraska reserving the right to object?

Mr. WHERRY. No; Mr. President, I shall not object to the request in regard to the filing of the conference report; but at this time I should like to say that my understanding of the reason why the distinguished chairman of the committee feels that the conference report should not be debated this afternoon is that he believes a printed report should be available, first.

Mr. MAYBANK. Yes.

Mr. WHERRY. However, even if the report is printed, the printed copies of it will not be available until Saturday, in any event. I realize that probably Senators will be able to go through the report and be ready to debate it by noon on Saturday; but in the final analysis, if the reason why the distinguished Senator does not want the conference report debated this afternoon is that Senators are not familiar with the report and should have an opportunity to study it, it seems to me that the only sensible arrangement would be to have the Senate take a recess from today until Monday.

Mr. MAYBANK. I shall have no objection to having that done. I only state that we cannot have the printed report here today.

I believe that the members of the conference committee will be glad to explain any or all features of the report; but I believe it would be undesirable for the Senate to consider the conference report without having the printed report available, for in that event, objection might be made on that score.

Mr. WHERRY. Mr. President, I shall not object to the request the Senator from South Carolina has made; but it seems to me that we might just as well consider the report today, rather than tomorrow; because even though the report is to be printed, it will not be available until after we have begun the debate, and we shall still depend upon the members of the conference committee to tell us what is recommended by them.

However, if the matter cannot be handled today, I shall not object.

Mr. MAYBANK. Mr. President, I have discussed the matter with the ranking member on the Republican side; and we shall be glad to abide by the decision of the Senate. In any case, we will explain the report fully.

The VICE PRESIDENT. The conference report cannot be considered until it is filed.

Mr. KNOWLAND. Mr. President, reserving the right to object, although I do not intend to object to the request of the Senator from South Carolina for authority to file the conference report following the recess or adjournment of the Senate today, let me say that I shall object to considering the conference report without having printed copies of the report available to the Members of the Senate. There is involved a most important piece of legislation, affecting 150,000,000 Americans in various capacities and activities, both in agriculture, industry, and otherwise, and also affecting all employees and the entire basic national economy. Therefore, I do not believe the conference report should be acted upon by the Senate without having printed copies of the report available to Senators. So I shall object to having the report considered today.

The VICE PRESIDENT. There is no rule of the Senate which requires that a conference report be printed before it is considered.

On the other hand, the request now before the Senate is that the conference committee be permitted to file its report during the recess of the Senate following today's session.

Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object, I have no objection whatever to the request for the filing of the report. So far as I am concerned, I should like to see the conference report acted upon today. However, in view of the statement of the Senator from California, it would seem that tomorrow is the earliest time when we can act upon the report.

I hope very much that the majority leader and the minority leader will insist upon having a session of the Senate tomorrow, for the purpose of considering and approving the conference report, because, as is well known to every Member of the Senate, the other branch of Congress has twice within recent days refused to adopt important conference reports, and has returned these matters for further consideration by the conference committee.

We are working against a deadline, in connection with a matter which is of very great importance to the entire Nation. So it seems to me that by tomorrow noon, at the latest, the report should be considered by the Senate.

Mr. LEHMAN. Mr. President——

The VICE PRESIDENT. Is the Senator from New York reserving the right to object?

Mr. LEHMAN. Yes, Mr. President; I am reserving the right to object. Of course, I do not intend to object to the request of the Senator from South Carolina for authority to file the conference report following the session of the Senate today; but if the Senator from California had not objected, I intended to object to having the report considered today.

I wish to add my plea to that of the Senator from Florida to the majority leader and the minority leader for a session tomorrow, at which action can be taken on the conference report.

I add to that a request that the pending bill be temporarily laid aside this afternoon, so that the chairman of the committee can explain the conference report, and so that there can be comments or remarks on it by other Senators if that is deemed desirable. Certainly we would be losing time if we allowed this afternoon to pass without giving at least informal consideration to the conference report.

The VICE PRESIDENT. There is no way to consider a conference report until it is filed. There is no way by which the Chair could even submit the conference report to the Senate until it is filed; and until the report is filed it is not in order for a Senator to move that the Senate consider it.

Mr. CAPEHART. Mr. President, reserving the right to object, I strongly urge that the Senate meet tomorrow to consider the report after it has been filed and has been printed. I think it is most important that the Senate do so.

I am fearful of delaying action on this matter until Monday, because the law expires at midnight on Tuesday, July 31, and we might well get into some sort of parliamentary difficulty between ourselves and the House of Representatives, because the House also has to approve the conference report. So I think it is most important that the Senate meet tomorrow and consider the report.

The VICE PRESIDENT. The question is on agreeing to the request of the Senator from South Carolina that the conference committee be permitted to file its report during the recess of the Senate following today's session.

Mr. LEHMAN. Mr. President, reserving the right to object—although I do not intend to object to the request of the Senator from South Carolina—let me say that I have listened to the ruling of the distinguished Vice President, and, of course, I fully respect his ruling, which is that until the report is filed, there can be no discussion of it.

However, I renew my request, and ask unanimous consent that as soon as the conference report is filed with the Senate, there be discussion of it this afternoon.

The VICE PRESIDENT. Only one unanimous-consent request can be considered at a time.

The question is on agreeing to the request of the Senator from South Carolina that the conference committee be permitted to file its report during the recess of the Senate following today's session.

Mr. WHERRY. Mr. President, I wish to ask the Senator from New York a question. I think his request should be modified so as to provide that the Senate debate the conference report, provided it is filed when the Senate is in session. It might not be filed until midnight tonight.

Mr. LEHMAN. Mr. President, reserving the right to object, I say to the distinguished minority leader that it is my impression that, by means of unanimous consent, the subject matter contained in the conference report can be discussed even before the report is filed.

The VICE PRESIDENT. The Chair would state that officially the report cannot be taken up for consideration until it is filed. If Senators wish to discuss what they think is in the report, that is another matter; but the report itself cannot be taken up for consideration until it is filed, and in view of the unanimous-consent agreement under which the Senate is operating, the Treasury and Post Office bill would have to be disposed of before the conference report could be taken up, even if it were filed.

Mr. McFARLAND. Mr. President, reserving the right to object, and I shall not object, I wish to make an announcement. We may take up the conference report tomorrow, but I wish to call attention to the fact that on the last vote 28 Senators were absent, and I desire to make a check to determine whether we can get a quorum tomorrow, before I

take the responsibility of saying a session will be held.

The VICE PRESIDENT. The only question at the moment is whether there is objection to the committee's filing its report during the recess.

Mr. AIKEN. Reserving the right to object, I understood the Chair to say that there is no Senate rule requiring a conference report to be printed.

The VICE PRESIDENT. That is correct.

Mr. AIKEN. I believe the chairman can request that it be printed. I would inquire of the chairman of the Committee on Banking and Currency whether he intends to have the report printed, so that it will be available to Members of the Senate?

Mr. MAYBANK. Yes; so that it will be available to the Members of the Senate tomorrow?

Mr. AIKEN. Yes; or as soon as it can come before the Senate for action.

Mr. MAYBANK. The report will be ready for Members of the Senate as soon as the Government Printing Office can print it. I may say that unless we proceed tomorrow and get this report to the House Monday, we will encounter the possibility of the report being returned to conference, in which event there will be no law on the subject to which it relates.

Mr. AIKEN. I understand that, but I also agree with the Senator from California that Members of the Senate should have printed copies of the report before it is acted upon.

Mr. MAYBANK. I shall ask that it be printed in order that printed copies may be available tomorrow.

Mr. AIKEN. If that can be done, I shall have no objection at all to the request of the Senator from South Carolina.

Mr. MAYBANK. That is all I ask, but I certainly want to call the Senate's attention to the fact that, as the Senator well knows, the present law expires Tuesday night. The Senate must act first and after that the House must act.

The VICE PRESIDENT. Is there objection to the request that the conference committee be permitted to file its report during the recess?

Mr. AIKEN. Reserving the right to object, may I inquire whether the Printing Office is to be working tonight so that the report can be printed?

Mr. MAYBANK. The chairman of the Banking and Currency Committee will request that that be done, if we are to consider the report tomorrow.

Mr. AIKEN. I shall be satisfied if the chairman makes the request.

The VICE PRESIDENT. The Chair will state that the Government Printing Office works on Friday night, but not on Saturday.

Mr. WHERRY. I should like to ask the Senator from South Carolina, the chairman of the committee, and also members of the committee who may be present, whether the conferees have resolved their differences.

Mr. MAYBANK. There is only one matter left for decision.

Mr. WHERRY. Is the Senator reasonably sure that that can be settled sometime this afternoon?

Mr. MAYBANK. I can speak only for myself, though I think the distinguished Senator from Indiana will agree with me in this statement. Had it not been for the roll-calls in the Senate on the Agricultural, and the Post Office, and Treasury appropriation bills, and had it not been for the roll-calls in the House, I think we would already have finished our work. We would have finished it, had it not been necessary for the House Members to have a vote. The bill to which the report relates is absolutely essential. In my judgment we will conclude our work on it within an hour.

Mr. LEHMAN. Mr. President, reserving the right to object, I, of course, have no intention of objecting to the request of the distinguished chairman of the committee, but I desire to say that when unanimous consent is given today, to present the report during the recess, I shall ask unanimous consent that the distinguished chairman of the committee be permitted to discuss the contents of the report, even prior to the time the report is presented.

The VICE PRESIDENT. It is not necessary to have unanimous consent that the chairman or any other Senator may discuss a report, if he can get recognition and can get the time; but it would not be possible, even by unanimous consent, to consider the conference report until it is filed. The Chair cannot even submit a unanimous consent to take up a conference report which has not been filed.

Is there objection to the committee's filing its report during the recess of the Senate? The Chair hears none, and it is so ordered.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS, 1952

The Senate resumed the consideration of the bill (H. R. 3282) making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes.

The VICE PRESIDENT. The next committee amendment was stated before the discussion on the conference report, but it will be again stated for the information of the Senate.

The next amendment was, under the heading "Title IV—General provisions," on page 19, after line 18, to insert a new section, as follows:

SEC. 402. No part of the money appropriated by this act or of the funds made available for expenditure by the Export-Import Bank of Washington which is in excess of 75 percent of the amount required to pay the compensation of all persons the budget estimates for personal services heretofore submitted to the Congress for the fiscal year 1952 contemplated would be employed by the Treasury and Post Office Departments and the Export-Import Bank of Washington during such fiscal year in the performance of—

(1) functions performed by a person designated as an information specialist, information and editorial specialist, publications and information coordinator, press relations officer or counsel, photographer, radio expert, television expert, motion-picture expert, or publicity expert, or designated by any similar title, or

(2) functions performed by persons who assist persons performing the functions described in (1) in drafting, preparing, editing, typing, duplicating, or disseminating public information publications or releases, radio or television scripts, magazine articles, photographs, motion pictures, and similar material,

shall be available to pay the compensation of persons performing the functions described in (1) and (2).

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment was, on page 20, line 18, to change the section number from "402" to "403."

The amendment was agreed to.

The VICE PRESIDENT. The clerk will read the amendment which was passed over.

The LEGISLATIVE CLERK. On page 15, line 2, it is proposed to strike out "$20,000,000" and insert "$20,800,000."

Mr. FERGUSON. Mr. President, I send to the desk a modified amendment, which I ask to have read. It is an amendment to the committee amendment.

The VICE PRESIDENT. The clerk will read the amendment to the amendment.

The CHIEF CLERK. In the committee amendment, on page 15, line 2, it is proposed to strike out "$20,800,000" and insert "$19,723,394, of which not to exceed $16,205,462 shall be available for personal services."

The VICE PRESIDENT. The Senator from Michigan is recognized for 15 minutes.

Mr. FERGUSON. Mr. President, this amendment, in its present form, simply applies the 10-percent rule to the general administration of the Post Office Department. It applies the rule to the inspection service, which has been the principal source of controversy in consideration of this appropriation item. The Senate committee had invoked the 10-percent rule, but excepted the Bureau of Accounts and the Inspection Service. It is the purpose of this amendment to cover both of those services, as I shall explain later.

It is proposed in the budget request for this item to add 200 postal inspectors to the inspection service, and 35 clerks for a total increase of 235 positions. This would bring total employment in the field service to 1,439. The House acted to deny 120 of those positions on grounds I will discuss later. Although we are dealing in money figures here and cannot apply the 10-percent reduction to positions, if we did so we would find that the 10-percent rule would have the effect of reducing the budget request to 1,296 positions, which is 92 more than the present number of permanent positions.

On a dollar basis, which is how this amendment and the Senate's 10-percent rule works, we would be reducing personal services in the field for the inspection service from $7,692,500 to $6,923,250, which is approximately $400,000

more than was available last year. I repeat that, Mr. President. It is approximately $400,000 more than was available last year.

In other words, notwithstanding the cut which is proposed by this amendment, the inspection service in the field would still have $400,000 in payroll money above what it had last year, and that amount surely is enough to cut into the backlog of the work in the service upon which we have had evidence.

The principal justification for the increases in the inspection service is stated in the committee report, at page 4:

> Testimony presented to the committee indicates a huge backlog of work in the inspection service and that savings of funds and improvement of service will result if additional inspectors are provided, especially for the management improvement program.

Throughout the hearings we see repeated emphasis on "the management improvement program." That is a very fine-sounding argument. But Mr. President, let me say that postal inspectors, who may detect and report bad management practices, do not of themselves bring about money saving practices and devices.

In other words, what is the use of inspectors going out to try to improve the service, making reports, and then nothing being done about them? I tried to ask a question of the distinguished chairman of the subcommittee, and he declined, on several occasions, to yield. He stated that we could not improve the service unless we added more men. That is a suggestion with which I disagree. I think I can show to the Senate that it is not correct.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. FERGUSON. I cannot yield.

What did we find in the city of Boston? We found 86 employees in the postal service drawing pay, getting other persons to check them in, and working on other jobs. Think of it! That had been going on for years. Then we hear talk about adding more inspectors. Why does the Department not use the hundreds of inspectors it already has?

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. FERGUSON. Not at the moment.

The VICE PRESIDENT. The Senator from Michigan declines to yield.

Mr. FERGUSON. The Federal grand jury has returned 24 new indictments.

It has been said that we cannot apply the 10-percent rule in this case, although in one annex in the postal department there have been 86 persons on the payroll who were not doing their work but who had other jobs from which they were drawing money. It is that kind of thing at which we are trying to strike in an effort to bring about some efficiency. That is the reason why the Senator from Michigan does not agree with the statement that if more persons are on the payroll there will be greater efficiency.

What is wrong with the Federal Government today, so far as inefficiency is concerned, is that there are thousands and thousands too many employees. There can be greater efficiency with a smaller number who will do their work honestly, than with a vast number not performing their duties well. My statement does not mean to imply that there are not a great many hard-working employees in the departments. Many of them in the postal service in Boston were working industriously on hard tasks, but 86 of them were not doing anything. It is such conditions that the Senate must ferret out and strike down.

The Post Office Department is operating with an annual deficit of $550,000,000, more than a half-billion dollars a year. The answer to that deficit is modernization—modern machines and practices. The answer is not a pyramiding of personnel who merely complicate and add to the deficit picture.

Economy-minded as some of us are, I am very certain that no one in Congress is going to object to any reasonable request which the Post Office Department may submit for modernized machinery and methods which are the money savers. Testifying to that fact is our complete agreement with the inclusion in the appropriation item now under consideration of $300,000, which came to us as a supplemental request, for the rental of accounting machinery.

But mere added manpower is not the answer to the difficulties of the Post Office Department. I am again reminded of Gen. Bill Knudsen's classic comment after he came to Washington as defense production expediter in World War II. "The trouble with Washington," he said, "is that everyone here figures an egg will hatch faster if you put two hens on the nest."

This amendment does allow a reasonable increase for the inspection service, almost $400,000. But it reverts to the 10 percent reduction formula in all phases of the general administration or general overhead item.

Mr. President, there is no reason or logic for not applying the 10-percent rule. The Senate was so convinced that it was the proper rule to apply that by unanimous consent it sent the independent offices appropriation bill back to the committee and ordered the committee to apply it.

The amendment simply raises once again the question of whether the Senate wishes to impose that very sensible limitation upon administrative expense.

Mr. President, administrative expenses are involved. Are we going to apply the 10-percent rule, or are we going to go up the hill as we did in the case of the independent offices bill, and then come down and go into the deficit swamp? That is the question before us. I do not think the Senate will do that.

Mr. KILGORE. Mr. President, I desire to correct an inferred misquotation of my remarks by my distinguished friend from Michigan. I was speaking about paying transportation, not about employing personnel. There was no personnel involved in the discussion. At no time have I advocated putting two hens on one nest, placing two Senators at one desk, or two postal clerks in one job. We must remember, Mr. President, that last November, in compliance with the Hoover report, the accounting formerly done by the General Accounting Office was transferred, so far as the Post Office Department was concerned. That of itself costs over $3,185,000 a year, and employs 955 persons, 789 of whom were transferred from the General Accounting Office payroll to the Post Office payroll. This 10 percent applies to the accounting of the Post Office.

Great complaint has been made about the system in Boston. I call the attention of the distinguished Senator to the fact, if he has not already heard it, that the management surveys in his own Detroit post office last year accounted for a saving of about $200,000. So even in Detroit they are accounting for savings.

Another matter to which I would call attention is that, since it seems to be a general impression that Democrats always favor putting more persons on the payroll and Republicans are against it, there were 1,567 employees in the administrative section of the Post Office Department in Washington in 1933, at the beginning of the year. By 1951, despite the increase in business of the Post Office Department, although at the beginning of 1933 much of the mail was made up of 1-cent postal cards, there had been an increase of only 45 employees, or to a total of 1,612.

Mr. President, I maintain that is a pretty good economy record. With the increase of business, as I cited in my previous remarks, of from 3 to 5½ percent a year, only 45 additional administrative personnel, in all categories, were appointed in the general office in Washington.

As to the addition in the number of inspectors, of whom there are only about 800 to cover the entire United States, it is generally acknowledged that the shortage of inspectors was really the cause of the scandal in the Boston office, because there was no one to check there, and when a check was made the situation had developed which was then found to exist.

Mr. President, there is pending before the Senate a bill to make up the deficit in the account of a postmaster in California. At least the California Senators and Representatives and the chamber of commerce admit that this deficit was occasioned because of lack of inspection of the post office in question.

The House committee in its report said there should be 200 more inspectors, but did not recommend appropriation of money to employ them. The Senate committee recommended an appropriation to pay for only 80 new inspectors.

Mr. ECTON. Mr. President, will the Senator yield?

Mr. KILGORE. I yield.

Mr. ECTON. Is it not true that, if the 10-percent cut in personnel were applied to this appropriation bill, the deficit would actually be increased? The Post Office Department is a service organization, and in many instances of which I know—and I am confident the Senator from West Virginia, after listening to all the evidence, realizes this to be true—the employees who are on regular pay oftentimes actually receive less

than do temporary employees. A certain amount of work has to be done day in and day out. If the service does not have the necessary number of permanent employees, temporary help must be employed to do the work, which results in increasing the cost and increasing the deficit to be provided for in a supplemental appropriation bill which will come before Congress. Is that not true?

Mr. KILGORE. I thank the Senator from Montana for his statement. In what he has said he is absolutely correct.

Mr. ECTON. Is it not true that during the past year several supplemental appropriation bills have come to Congress to take care of such deficits? If we were to make these percentage cuts, later we would have presented to us supplemental appropriation bills to provide the additional amounts needed in order to have the work properly done, so would we not be "kidding" ourselves if we made such percentage cuts?

Mr. KILGORE. Yes. I am in a way crowding to get the bill now before the Senate out of the way, so that we can clear a space for the supplemental appropriation bill which is bound to be presented, following the action on the last amendment offered by the Senator from Illinois [Mr. DOUGLAS].

Mr. ECTON. I should like to ask the Senator from West Virginia another question. I do so because I am a member of the subcommittee which handled the bill, and I also worked with the full committee when the bill was marked up. First, I wish to commend the Senator from West Virginia for the very thorough and complete study he has made of the situation affecting the Post Office Department. I am happy to say that I worked very closely with him throughout all the hearings. We considered the 10 percent cut at the beginning to see if it were possible to apply it to the bill.

I now desire to ask the Senator if it is not true that after giving the matter full and very careful study and serious consideration we decided that it was absolutely impossible to apply the cut, and if under that decision we did not go ahead and make some 5 percent cuts in various divisions where we thought it was possible to do so?

Mr. KILGORE. The Senator from Montana is absolutely correct. I call the Senate's attention to the proposal for 10 percent cuts. I may first say that I wish to compliment the Senator from Montana for the work he did in committee, and also for the broad-minded attitude he maintained during the hearings and the mark-up of the bill. I am sure the Senator will agree with me that the subcommittee in working up the bill into mark-up condition endeavored to hew to the 10 percent cut as closely as possible, while at same time making the cuts where they would not hurt the service. The Senator's statement in that connection is a correct one.

I also desire to call attention to the inspection service accounts for $8,166,300; the Comptroller of the Bureau of Accounts, $3,185,000. The latter is the Bureau of Accounts which audits $18,000,000,000 worth of transactions in the Post Office Department every year. It operates mostly in the field. The Bureau heads up in the Washington office. The various other departmental salaries account for the remaining $6,000,000 in the budget estimate. The appropriation provides for the employment of an additional 4,103, which includes the inspectors. There has been an increase of only 5 inspectors in more than 10 years, as compared to the growth of the country and the percentage increase of mail. There are only 106 in the headquarters of the Inspection Service to supervise the whole work, to make final decisions upon inspection matters, and keep the service in operation.

The total of unlisted savings due to inspection service for 1950–51, as presented to the committee in testimony, amounted for 1950 to $8,653,000, and for 1951 to $8,079,000. They are due to management-improvement operations and curtailment of expenses.

I also call attention to the fact that the amendment would reduce the departmental personnel expenditures to $9,164,052, and reduce the departmental employees by 265 persons. In other words, the amendment, as originally offered, would result in a reduction in the administrative section so that the number would be less than it was at the beginning of 1933.

Senators refer to permanent and temporary employees. I call attention to the fact that the Congress of the United States in 1950 forbade the Post Office putting on any more permanent employees. Since that time everyone has had to be employed on a temporary basis. It will be found that a temporary employee is just about 50 percent efficient. In the first place, it takes time to train him. In the second place, about the time he is trained someone else offers him a little more money and he leaves, and it is necessary to train another employee. So we get about 50-percent efficiency from temporary employees. There is no incentive for them to do better work. They cost much more. As a result of these cuts, we shall have to appropriate more money when the deficiency bill comes before us, and pick up more temporary employees under the 1950 act. As has been well said by the Senator from Montana [Mr. ECTON], the result will be to increase the deficit instead of to decrease it.

There is one further point we must consider. The Post Office Department is a service organization. Its personnel consists largely of career men, from the Postmaster General down. They are men who have grown up in the service, except as to the temporary employees. I think the record of only 45 additional employees in the administrative section in 19 years gives me just cause to say that the payrolls have not been padded. That statement is especially true in the light of the additional work. It must be realized that when there is an extra heavy sale at a few chain stores, the administrative cost goes up somewhat at the top, commensurate with the sales. Since all the items in the postal service are sales-loss leaders, with the exception of the 3-cent mail, naturally the greater the business the greater the loss, and the greater the administrative burden in Washington.

We must realize that the transportation cut recently made, and with respect to which I anticpate an almost immediate defiiciency request, is not so damaging, because the Department can go ahead and pay for that item so long as it has the money, and the law provides that we must appropriate the rest of the money. But in this case the Post Office Department must immediately correct its budget by quarters. It has been operating on the basis of a 1-month's extension, but it will have to doctor up the first quarter and effectuate in 2 months the saving which, had this bill been promptly passed, would have been effectuated in 3 months. So there is a double hardship. The Department must budget, and it must cut to meet the new appropriation. No deficiency bill will take care of the Department so far as that aspect of the situation is concerned.

With respect to personnel, the headquarters office in Washington has only 4,100 employees, while the field service of the Post Office Department, which goes into every home, has more than 400,000, which the force of four-thousand-one-hundred-odd must supervise, inspect, check, control, and manage.

Mr. President, I hope that the amendment will not be agreed to, and that the committee amendment will prevail.

The PRESIDING OFFICER (Mr. HOLLAND in the Chair). The time of the Senator from West Virginia has expired. The Senator from Michigan [Mr. FERGUSON] has 5 minutes remaining.

Mr. FERGUSON. Mr. President, I am fearful that the Senator from Montana [Mr. ECTON] misspoke himself when he was talking about this amendment actually cutting service. The purpose of the amendment is not to cut postal service. It does not cut the number of postmasters. It does not cut the number of men who work in the post office. It does not cut the number of drivers on the trucks, the delivery men, or anyone else. Its purpose is to reduce the enormous overhead.

I cannot agree that the subcommittee did such a marvelous job of cutting. What it actually did in respect to this particular item under the head of general administration was to add $4,700,000 more than last year. In the entire Post Office Department it added $91,800,000 more than last year. That may be a job of economy, but the Senator from Michigan does not think that it is economy to add $4,700,000 to the cost of general administration, and $91,800,000 for the entire Department, over last year.

Mr. KILGORE. Mr. President, since I shall have no time for rebuttal, I wonder if the Senator will yield for a question at that point.

Mr. FERGUSON. Yes. I yield for a question.

Mr. KILGORE. The Senator realizes does he not, that the transfer of personnel takes care of what the Senator is talking about?

Mr. FERGUSON. There was a transfer, but it was not $91,800,000. I am reading from the report, on page 14. It is open for all to see. I do not know where the Senator got his figures, but I have gone back to the 1933 budget. I

find that the 1933 budget shows 1,277 employees. In the 1952 budget, the figure for permanent departmental employees is 2,696. If we subtract the increase in the Bureau of Accounts, which was transferred from the General Accounting Office, representing a figure of 789, we get an increase of 1,907. That is the total. So there has not been a cutting down of personnel.

It may be thought that the way to operate the Department is to add a man in Washington every time a truck driver is added in Detroit, or every time an additional employee is taken on to handle the mail. Back in 1933 the Postmaster General's office had 98 employees. Now it has 111. That is in the office of the Postmaster General alone.

What the Senator from Michigan was trying to do——

Mr. KILGORE. Does the Senator realize that that is partly due to the acceptance of the Hoover Commission recommendations?

Mr. FERGUSON. I am willing to let the Senator place that statement in the RECORD.

The Senator from Michigan is only asking the Senate to do what it has done in connection with other bills, and that is to apply the 10-percent rule to administrative expenses, and not add anything in that direction this year. The 10-percent rule means only 10 percent below the Budget. In a large department such as the Post Office, there is no reason why we cannot apply the 10-percent rule.

Mr. KILGORE. Mr. President, will the Senator yield for a question?

Mr. FERGUSON. I yield.

Mr. KILGORE. Does not the Senator think that in making his 10-percent cut he should exempt the additional inspectors necessary in the conduct of the Post Office?

Mr. FERGUSON. No.

Mr. KILGORE. The Senator wants to apply the 10 percent to the entire inspection service?

Mr. FERGUSON. Mr. President, so long as we are giving the Department $400,000 for additional inspectors, there is no reason why the 10-percent rule cannot be applied. It is just as simple as that. I have not figured it out exactly, but I believe that sum would provide for 75 inspectors. There is something wrong if we cannot reduce the cost of the Government. We must reduce it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired. The absence of a quorum is suggested, and the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Douglas	Hickenlooper
Bennett	Duff	Hill
Benton	Dworshak	Hoey
Bridges	Eastland	Holland
Butler, Md.	Ecton	Hunt
Carlson	Ellender	Ives
Chavez	Ferguson	Johnson, Colo.
Clements	Gillette	Johnson, Tex.
Connally	Green	Kem
Cordon	Hayden	Kerr
Dirksen	Hendrickson	Kilgore
Langer	Moody	Smith, N. J.
Lehman	Morse	Smith, N. C.
Lodge	Mundt	Stennis
Magnuson	Nixon	Taft
Malone	O'Conor	Underwood
McCarthy	O'Mahoney	Watkins
McClellan	Pastore	Wherry
McFarland	Russell	Williams
McKellar	Saltonstall	Young
Millikin	Schoeppel	
Monroney	Smith, Maine	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment, as modified, of the Senator from Michigan to the committee amendment.

Mr. BRIDGES. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McCARTHY (when his name was called). On this vote I have a pair with the Senator from West Virginia [Mr. NEELY]. If the Senator from West Virginia were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SCHOEPPEL (when his name was called). On this vote I have a pair with the Senator from South Carolina [Mr. JOHNSTON]. If the Senator from South Carolina were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON] the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Delaware [Mr. FREAR], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Nevada [Mr. McCARRAN], the Senator from Montana (Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

The Senator from Georgia [Mr. GEORGE] is absent by leave of the Senate.

The Senator from Connecticut [Mr. McMAHON] is absent by leave of the Senate on official business of the Committee on Foreign Relations.

The Senator from Missouri [Mr. HENNINGS] is paired on this vote with the Senator from New Hampshire [Mr. TOBEY]. If present and voting, the Senator from Missouri would vote "nay", and the Senator from New Hampshire would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. CASE], the Senator from Pennsylvania [Mr. MARTIN] and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness.

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate on official business.

The Senator from Ohio [Mr. BRICKER] and the Senator from Indiana [Mr. CAPEHART] are detained on official business at a meeting of the conferees on the Defense Production Act.

The Senator from California [Mr. KNOWLAND] and the Senator from Wisconsin [Mr. WILEY] are detained on official business.

On this vote the Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Missouri [Mr. HENNINGS]. If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Missouri would vote "nay."

The result was announced—yeas 29, nays 33, as follows:

YEAS—29

Bennett	Hickenlooper	Nixon
Bridges	Holland	O'Conor
Butler, Md.	Ives	Smith, Maine
Dirksen	Johnson, Colo.	Smith, N. J.
Douglas	Kem	Taft
Duff	Lodge	Watkins
Dworshak	Malone	Wherry
Ferguson	McClellan	Williams
Gillette	Millikin	Young
Hendrickscn	Mundt	

NAYS—33

Aiken	Hayden	McKellar
Benton	Hill	Monroney
Carlson	Hoey	Moody
Chavez	Hunt	Morse
Clements	Johnson, Tex.	O'Mahoney
Connally	Kerr	Pastore
Cordon	Kilgore	Russell
Eastland	Langer	Saltonstall
Ecton	Lehman	Smith, N. C.
Ellender	Magnuson	Stennis
Green	McFarland	Underwood

NOT VOTING—34

Anderson	Hennings	Murray
Brewster	Humphrey	Neely
Bricker	Jenner	Robertson
Butler, Nebr.	Johnston, S. C.	Schoeppel
Byrd	Kefauver	Smathers
Cain	Knowland	Sparkman
Capehart	Long	Thye
Case	Martin	Tobey
Flanders	Maybank	Welker
Frear	McCarran	Wiley
Fulbright	McCarthy	
George	McMahon	

So Mr. FERGUSON'S amendment, as modified, to the committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. BRIDGES. I send to the desk an amendment, which I ask to have read.

The PRESIDING OFFICER. Is this an amendment to the committee amendment?

Mr. BRIDGES. It is.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 15, line 2, it is proposed to strike out "$20,800,000" and insert "$20,623,697, of which not to exceed $17,105,765 shall be available for personal services."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. BRIDGES. Mr. President, I do not wish to take much of the time of the Senate on this amendment. It is an amendment similar to the previous one. Instead of a 10-percent cut in administrative personnel, it proposes a 5-percent cut. It is a 5-percent cut purely in administrative personnel. It is a small cut, half as much as the 10-percent cut previously proposed, but it is an indication of the desire of the Congress to reduce personnel for administrative services. That, I think, tells the story as well as though I were to take 15 or 20 minutes to tell it.

Mr. UNDERWOOD. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield to the Senator from Kentucky.

Mr. UNDERWOOD. It is a meat-ax cut, though, is it not?

Mr. BRIDGES. Oh, no; it is not a meat-ax cut. It is a 5-percent cut of the administrative services of the Post Office Department. Any administrative agency which cannot absorb a 5-percent cut in personnel ought to go out of business. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. KILGORE. Mr. President, I should like to ask the Senator from New Hampshire one or two questions regarding the 5-percent cut. Would the Senator care to have the vote withheld temporarily, until I could ask the questions and he could answer them?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield for a question?

Mr. BRIDGES. I yield.

Mr. KILGORE. Does the Senator propose a 5-percent cut of the budget estimate, or a 5-percent cut of the committee amendment?

Mr. BRIDGES. I propose a 5-percent of the budget estimate.

Mr. KILGORE. Does the Senator realize that the committee has already cut the budget estimate by 10 percent, exclusive of inspectors and the Bureau of Accounts? In other words, we cut the general administrative personnel, exclusive of inspectors and the Bureau of Accounts by 10 percent, which amounted to $713,000. That was done in committee.

Mr. BRIDGES. We took the committee's own table and used the figure of the total estimate, and reduced personal services 5 percent, as shown on the sheet which the Senator has before him, and with which he is familiar; and I deducted 5 percent, which amounted to $176,303. As I have said, any administrative agency which is unable to reduce its service personnel by 5 percent should go out of business.

Mr. KILGORE. If the Senator will yield, I should like to read from the committee's report:

> The committee has, however, effected a reduction in personal services of 10 percent, exclusive of personal service estimates for the Inspection Service and the Bureau of Accounts.

Is the Senator's amendment addressed merely to a 5-percent cut, applicable to those not already cut below the budget estimate? Inasmuch as it is a dollars-and-cents cut, I fear it is very misleading and would be very upsetting to the Budget Bureau. If it is a 5-percent cut, in addition to the previous 10-percent cut made by the committee, the result would be a cut of 14.5 percent in administrative services, and a 5-percent cut on the other two items. Does the Senator realize that?

Mr. BRIDGES. I realize that I have no personal-service limitation in the amendment, and I realize that, on page 15 of the bill, the committee amendment proposes to strike out the House figure, $20,000,000, and insert $20,800,000. I am not saying that the Senator from West Virginia and the committee did not, in many instances, do a conscientious job; I think they did; but I say that when it comes to administration, it is certainly an item in connection with which we should be able to cut the personnel further; and I do not think that, after the Senate has defeated by 3 votes a 10-percent cut, it is at all out of order to have a vote on a 5-percent cut.

Mr. KILGORE. Mr. President, if the Senator from New Hampshire will yield for another question, he realizes, no doubt, that we cut the item $713,000, and cut 120 inspectors off the budget recommendation, reducing the number of inspectors from 200 to 80; and, inasmuch as there is involved a transfer of duties to the Bureau of Accounts from the General Accounting Office, as recommended in the Hoover report, we felt we could not cut the item further, inasmuch as the personnel of the Bureau of Accounts is scattered throughout the country in various offices, auditing postal accounts of approximately $18,000,000,000 annually

So that is why I think it is quite an adequate cut.

Mr. BRIDGES. Let me read to the Senator from page 7 of his own report:

> The committee recommends an appropriation of $20,800,000, an increase of $800,000 in the House bill and a reduction of $724,000 in the budget estimates. This increase includes $300,000 submitted in Senate Document 18, for accounting machines; and the remainder is for not less than 80 additional inspectors.

Since we cut other departments 10 percent, I do not think this is a very heavy cut.

Mr. KILGORE. Mr. President, I want it clearly understood, before voting on the amendment, that favorable action on it would impose a 5-percent cut across the board. It would adversely affect the inspection service and the accounting service, which I consider to be safeguarding services in the Department.

I should like to invite the attention of the Senator from New Hampshire to the fact that the report imposes a 10 percent personnel limitation. We wrote it in the report, where it belongs.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. KILGORE. I gladly yield to the Senator from Massachusetts.

Mr. SALTONSTALL. With reference to the amendment offered by the Senator from Michigan [Mr. FERGUSON], I was impressed with the fact that it was a compromise. The $300,000 is for accounting machines, and the remainder is for not less than 80 additional inspectors.

I should like to read from page 658 of the hearings:

> On June 30, 1951, it was necessary to carry over to fiscal year 1951, 62 percent of the inspections which should have been performed at first-class offices during fiscal year 1950, and 30 percent of the inspections of second-, third-, and fourth-class offices. Depredation work has increased considerably. The number of arrests in fiscal year 1950 increased 19.52 percent over the previous year and were 105 percent greater than in fiscal year 1943. The number of inspectors has increased less than 2 percent since 1944 and since that time revenues have increased almost 51 percent, special service transactions almost 17 percent, and mail volume about 26 percent, and the population has increased 10 percent.

Those were the figures which impressed me as showing that it was legitimate to have some increase in the inspection force. As I understand, there would be an increase of approximately 50 inspectors to handle the tremendously increased work load. That, as I understand, was the justification for the compromise between the amount recommended by the Budget Bureau and the House figure.

Mr. KILGORE. I thank the Senator from Massachusetts. He is absolutely correct. The item of $300,000 is an uncontrollable item for rental of machines, and the $500,000 is included so as to provide for a sufficient number of inspectors properly to safeguard postal operations.

Mr. FERGUSON. Mr. President, I will assume the responsibility for saying a word or two, under an understanding which I had with the Senator from Nebraska [Mr. WHERRY].

I wish to invite attention to the fact that even under the 10-percent cut there would have been $400,000 with which to hire extra inspectors. With the 5-percent cut there is much more money available for inspectors.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire [Mr. BRIDGES]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCARTHY. On this vote I have a pair with the junior Senator from West Virginia [Mr. NEELY], who is absent. If he were present and voting, he would vote "Nay." If I were permitted to vote, I would vote "yea."

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Iowa [Mr. GILLETTE], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Nevada [Mr. MCCARRAN], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from Virginia [Mr.

ROBERTSON], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

The Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

The Senator from Georgia [Mr. GEORGE] is absent by leave of the Senate.

The Senator from Connecticut [Mr. MCMAHON] is absent by leave of the Senate on official business of the Foreign Relations Committee.

The Senator from Missouri [Mr. HENNINGS] is paired on this vote with the Senator from New Hampshire [Mr. TOBEY]. If present and voting, the Senator from Missouri would vote "nay," and the Senator from New Hampshire would vote "yea."

I announce further that if present and voting, the Senator from South Carolina [Mr. JOHNSTON] would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. CASE], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness.

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate on official business.

The Senator from Indiana [Mr. CAPEHART] is detained on official business at a meeting of the conferees on the Defense Production Act.

The Senator from California [Mr. KNOWLAND] is detained on official business.

On this vote the Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Missouri [Mr. HENNINGS]. If present and voting, the Senator from New Hampshire would vote "yea," and the Senator from Missouri would vote "nay."

The result was announced—yeas 38, nays 29, as follows:

YEAS—38

Aiken	Ferguson	Nixon
Bennett	Frear	O'Conor
Bricker	Hendrickson	Schoeppel
Bridges	Hickenlooper	Smith, Maine
Butler, Md.	Holland	Smith, N. J.
Byrd	Ives	Stennis
Carlson	Johnson, Colo.	Taft
Cordon	Kem	Watkins
Dirksen	Lodge	Wherry
Douglas	Malone	Wiley
Duff	McClellan	Williams
Dworshak	Millikin	Young
Eastland	Mundt	

NAYS—29

Benton	Hunt	Moody
Chavez	Johnson, Tex.	Morse
Clements	Kerr	O'Mahoney
Connally	Kilgore	Pastore
Ecton	Langer	Russell
Ellender	Lehman	Saltonstall
Green	Magnuson	Smith, N. C.
Hayden	McFarland	Sparkman
Hill	McKellar	Underwood
Hoey	Monroney	

NOT VOTING—29

Anderson	Cain	Flanders
Brewster	Capehart	Fullbright
Butler, Nebr.	Case	George
Gillette	Long	Neely
Hennings	Martin	Robertson
Humphrey	Maybank	Smathers
Jenner	McCarran	Thye
Johnston, S. C.	McCarthy	Tobey
Kefauver	McMahon	Welker
Knowland	Murray	

So Mr. BRIDGES' amendment to the committee amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 15, line 2, as amended.

The amendment, as amended, was agreed to.

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. CONNALLY was excused from attendance on the session of the Senate for the remainder of the day.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS, 1952

The Senate resumed the consideration of the bill (H. R. 3282) making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes.

Mr. FERGUSON. Mr. President, I call up my amendment designated 7-20-51—B, as modified, and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 13, between lines 12 and 13, it is proposed to insert a new section, as follows:

SEC. 102. (a) No part of any appropriation made by this title for any purpose shall be used for the payment of personal services in excess of an amount equal to 90 percent of the amount requested for personal services for such purpose in budget estimates heretofore submitted to the Congress for the fiscal year 1952; and the total amount of each appropriation, any part of which is available for the payment of personal services for any purpose, is hereby reduced by an amount equal to 10 percent of the amount requested in such budget estimates for personal services for such purpose. Nothing in this section shall be construed as effecting reductions beyond a reduction of 10 percent from the budget estimates for personal services.

(b) This amendment shall not apply to appropriations for the Bureau of Customs, the Bureau of Internal Revenue, the Bureau of Narcotics, the Secret Service Division, and the Coast Guard.

The VICE PRESIDENT. The Senator from Michigan is recognized.

Mr. FERGUSON. For the benefit of those who have printed copies of the amendment on their desks, I will say that the modification deletes reference to the guard force as being exempt from application of the amendment, for the reason that the salaries and expenses of the guard force, like the salaries and expenses of the Secret Service and the White House Police, are under the appropriation item "Secret Service Division." So they are taken care of under another heading. Therefore the language on page 2 relating to the guard force is deleted from the amendment. The Secret Service Division is named in the amendment as being exempt, and that automatically exempts the guard force. I was afraid that if I left the amendment reading as an exemption for the guard force and not for the White House Police, it might be implied that no exemption was intended for the latter. That is not the case, as all three functions under the Secret Service Division are exempt. I desire to make it clear that the White House Police and the guard force and the Secret Service Division are all exempt under the amendment.

Mr. President, I believe that the argument respecting this amendment can be disposed of very briefly, because it involves a very simple, although very fundamental, issue. The amendment is consistent with the Senate action on each of the appropriation bills it has previously had before it, except for action previously taken on this bill. It proposes to impose upon the Treasury Department the rule of a 10-percent reduction in budget estimates for personal services, exclusive of law-enforcement and related activities.

The simple question is, do we record ourselves once again as favoring this 10-percent reduction in administrative payrolls, or do we not? If we do, then we adopt the amendment. If we do not, then we approve the committee amendment. In short, the committee has breached the 10-percent rule, and this amendment proposes to restore it.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MUNDT. Does the Senator's amendment exclude the Internal Revenue collection force?

Mr. FERGUSON. Yes.

Mr. MUNDT. The amendment will not result in crippling the collection of internal revenue?

Mr. FERGUSON. The amendment excludes the whole Bureau of Internal Revenue.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. AIKEN. What divisions of the Treasury, or principal divisions, are left, that are affected by the 10-percent cut?

Mr. FERGUSON. The Bureau of Accounts, Office of the Secretary, Bureau of Public Debt, Office of the Treasurer, Bureau of the Mint. I think that is all. Those are the ones that would be covered.

Mr. AIKEN. Does the Senator know about how many employees would be affected?

Mr. FERGUSON. A little later I shall give the Senator the number of employees in the agencies which are affected by the amendment.

Instead of applying the 10-percent rule, the committee has resorted to a 5-percent rule, or in one instance something that is even more generous. Moreover, in two cases the committee eliminated the specific limitation upon personal services which is the thing that in my opinion gives greatest significance to the Senate's reduction formula.

It is these departures from the Senate rule which this amendment proposes to correct. But before proceeding further, let me spell out the areas of the bill which this amendment would touch, and those which it specifically exempts.

This amendment applies only to title I of the bill, which is the Treasury Department. It does not touch the Post Office Department, for which we had a separate amendment. It specifically exempts from its application these functions within the Treasury Department: the Bureau of Customs, the Bureau of Internal Revenue, the Bureau of Narcotics, the Secret Service, including White House Police and the Guard Force, and the Coast Guard. These functions are exempted in harmony with a theory of exempting law-enforcement and related activities which the Senate has seen fit to grant in its consideration of other bills it has had before it in this session.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. BRIDGES. Let me see if I understand the Senator's amendment correctly. First, he excludes the Bureau of Internal Revenue, which is the agency of Government which collects taxes.

Mr. FERGUSON. That is correct.

Mr. BRIDGES. Then the Senator excludes the Bureau of Narcotics, which is the bureau which enforces the Drug Act.

Mr. FERGUSON. That is correct.

Mr. BRIDGES. Then the Senator excludes the Secret Service, which guards the President and undertakes to prevent counterfeiting and related crimes.

Mr. FERGUSON. The Senator is correct.

Mr. BRIDGES. Then the Senator excludes the Bureau of Customs, which is the bureau which guards against illegal importations and collects customs duties.

Mr. FERGUSON. That is correct.

Mr. BRIDGES. Then the Senator excludes the Coast Guard, which is a part of the defense of the country in time of war or emergency, and which patrols our coasts both in the enforcement of the law and in lifesaving activities, in the security end of the maritime establishment.

Mr. FERGUSON. The Senator is correct.

Mr. BRIDGES. Therefore, the Senator excludes all the agencies which are either law-enforcing or money-collecting, which are so vital at any time, but particularly in this period.

Mr. FERGUSON. That is correct. The amendment would exempt all the agencies which have been named.

This amendment would apply to the following appropriation items in this bill: the Office of the Secretary of the Treasury, salary and expenses of the Bureau of Accounts, salaries and expenses of the Division of Disbursement, the Bureau of the Public Debt, salaries and expenses of the Office of the Treasurer, and the Bureau of the Mint.

Mr. President, I now wish to answer the question of the Senator from Vermont [Mr. AIKEN]. With respect to the Office of the Secretary, the number of positions carried in the budget estimate is 550; for the Bureau of Accounts, 231; for the Disbursement Division, 3,267; for the Bureau of the Public Debt, 5,429; for the Office of the Treasurer, 1,421; and for the Bureau of the Mint, 1,195.

Recently we read in the press that the Bureau of the Mint now has machines by which money can be minted at much less expense than under the old method. Certainly that Bureau could take a 10-percent reduction as well as any of the other agencies.

Mr. AIKEN. Those agencies have, roughly, 11,000 employees. Is it the intention of the Senator from Michigan to eliminate approximately a thousand of them?

Mr. FERGUSON. That is correct; approximately 10 percent. There would be a reduction of 10 percent of the amount of the appropriations, which would mean a reduction in personnel of approximately 1,000 out of 11,000.

On each of these items my amendment would have the effect of reducing the appropriation to an amount corresponding to the budget request, less 10 percent of the personal services requested in the budget figure. It would also have the effect of imposing upon each of those appropriation items a limitation for personal services equivalent to 90 percent of the budget request for personal services. In short, it would apply the familiar 10-percent rule of the Senate, which we have applied in other cases. The total is 12,093, so a 10-percent reduction would involve approximately 1,209 employees.

In contrast to that proposition, the committee applied a rule of a 5-percent reduction of the budget request for personal services, with a limitation corresponding to 95 percent of the budget request for personal services. That is, the committee applied a 5-percent rule in four of the six cases. In the other two, it did something else. With respect to the Bureau of Accounts, it made a reduction which was approximately the equivalent of, but slightly less than 5 percent of the personal services requested, and it failed to provide the limitation on personal services which is characteristic of the Senate formula.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. AIKEN. Does the Senator feel that the turn-over of employees in these agencies would be about the same as for the Government as a whole?

Mr. FERGUSON. I have felt so.

Mr. AIKEN. The turn-over is running about 36 percent this year.

Mr. FERGUSON. Yes. I think that percentage holds good through all the departments generally.

Mr. AIKEN. Does the Senator feel that the reduction could be taken care of by simply not filling the positions?

Mr. FERGUSON. I have felt that that is about what would happen. The reduction could be made simply by not filling vacancies.

Mr. AIKEN. It would not mean throwing many employees out of their jobs.

Mr. FERGUSON. The Senator is correct. This reduction is only below what the new request is in this year's budget.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. MUNDT. Is it not true that the amendment offered by the Senator from Michigan would still be a much less vigorous approach toward economy than the so-called Jensen amendment, to which the House has dedicated itself?

Mr. FERGUSON. The Senator is correct.

Mr. MUNDT. So that we shall be trying to go at least part of the way along which the House has so courageously gone. Personnel would be substantially reduced if the Jensen amendment became law.

Mr. FERGUSON. I should say that this is somewhat of a compromise.

Mr. MUNDT. It is a compromise in the direction of more spending, is it not?

Mr. FERGUSON. That is correct. We cannot tell how many would resign, or how many would go out under the Jensen amendment.

Mr. MUNDT. The history of the turnover indicates that we would save more with the Jensen amendment, so this is really a more modest approach toward economy.

Mr. FERGUSON. That is correct.

Mr. MUNDT. Although a very important approach.

Mr. FERGUSON. We could use the same method as the Jensen amendment in applying the reduction.

Mr. MUNDT. Precisely. It would not be necessary to discharge any faithful employees. The departments would simply not fill the positions which were vacated by retirement, or for other reasons.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. FERGUSON. I yield.

Mr. KILGORE. Because of the confusion I could not hear. Did I correctly understand the Senator to say that the Department had a personnel turn-over of 35 percent?

Mr. FERGUSON. I was answering the question of the Senator from Vermont [Mr. AIKEN].

Mr. AIKEN. I understand that the turn-over of Government employees for the entire Government is running about 36 percent this year. That is higher than the usual 25 percent.

Mr. FERGUSON. I think Mr. Fleming testified that it was running about 3 percent a month. That would make it 36 percent, as suggested by the Senator from Vermont.

Mr. KILGORE. If the Senator will permit me to make a correction so that we may have the correct information in the RECORD, the personnel turn-over in the Treasury Department is 14 percent, according to the evidence produced before the subcommittee.

Mr. AIKEN. That probably includes the Bureau of Internal Revenue, the Coast Guard, and the Customs Service.

Mr. FERGUSON. It includes all of them.

Mr. AIKEN. They never retire.

Mr. KILGORE. That figure is for the entire Department.

Mr. MUNDT. The Senator still has a 4-percent leeway in his amendment.

Mr. FERGUSON. The Senator from South Dakota is correct.

With respect to the Division of Disbursements, the committee made a reduction approximately equal to 3 percent of the personal services involved, and again failed to provide a ceiling on payrolls.

As I have said, in each of these cases my amendment would revert to the 10-percent rule. I believe that is an imperative action.

These are administrative agencies. As such they comprise a part of that great governmental overhead which is now at an all-time record peak. The 10-percent rule as originally offered by me has been adopted by the Senate to meet the need for reducing that overhead, which is now at an all-time record peak. The 10-percent rule, as originally offered, has been adopted by the Senate to meet the need for reducing the overhead.

The Senate has applied that principle to each of the agencies and appropriations bills that it has before it previously. If nothing more, it would be an unfair discrimination against those agencies which have been subjected to these cuts to grant special favor at this time to the Treasury because we have exempted all the law-enforcing departments of that agency.

But it is something more than mere consistency that is involved. We are here attempting to make some real reductions in the administrative cost of government. The savings to be accomplished by adopting the 10-percent rule as against the 5-percent rule or something less which now appears in the bill will be substantial. They amount to $2,274,389, in addition to the collateral savings in other objects of expenditure which will follow from the reduction in personal services.

I know how difficult it is to get votes in favor of any cuts, but the Senator from Michigan feels it to be very vital to the interests of the United States and to the interests of the whole world, for that matter, to bring about some economy in relation to personnel, and has therefore been bringing these matters to the attention of the Senate.

As I have said, the amount of the saving would be only $2,274,389. In addition, there would be collateral savings in other expenditures which would follow naturally a reduction in personnel. If we take away some personnel, fewer telephone calls will be made, less paper used, and less office space used.

I ask unanimous consent that a table showing the effect of the amendment, as compared with the effect of the committee amendment, be printed in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Appropriation item	Committee action	Effect of Ferguson amendment
Secretary of the Treasury, salaries and expenses	$2,565,278	$2,446,557
Bureau of Accounts, salaries and expenses	2,050,000	1,992,825
Division of Disbursements, salaries and expenses	11,775,000	11,038,837
Bureau of the Public Debt, salaries and expenses	51,993,704	51,087,409
Office of the Treasurer, salaries and expenses	20,868,165	20,636,330
Bureau of the Mint, salaries and expenses	4,963,800	4,741,600
Total	94,215,947	91,943,558
Difference		−2,274,389

Mr. KILGORE. Mr. President, as has been stated by the Senator from Michigan, the committee has applied a 5-percent cut to 4 agencies, involving 29 positions in one agency, 355 positions in another, 90 in another, and 67 in still another. The Senator from Michigan is trying to apply a 10-percent cut.

I did not believe, nor do I believe now, that because a 10-percent cut was made on Labor and Federal Security appropriations, Members of the Senate who vote against a cut of 10 percent in other appropriation bills should be hung, drawn, and quartered. I will say to my friend that he is consistent. In fact, he gets me all stuck up with consistency.

I believe we must look at individual departmental cases. I wish to call attention to the fact that in the Treasury Department, in the Office of the Secretary, the personnel in the administrative offices of the Secretary totaled 769 for the fiscal year 1945, as compared with 551 for the fiscal year 1951, a reduction of 218 average positions. They are asking for fewer personnel. They have actually effected a cut in personnel and have increased efficiency. Nevertheless we say, "Because you got along with that fewer number we will cut a little more." It is possible to cut to such a point that efficiency does not result, just as it is possible to expand above the point that means efficiency.

We already apply a 5-percent cut. If a 10-percent cut is made, it will affect 57.8 positions out of a total of 551. The personnel who would be affected takes care of the entire administration of the law-enforcement agencies and tax-collecting agencies. This office furnishes the technical assistants who come to the Senate to advise our committees in connection with tax and finance bills. The personnel has been reduced from year to year under the present chief of the office, until it has been reduced to the point where I believe it would be fatal to the operation of the office to make a cut of 10 percent. As I have said, the committee has already cut the personnel item by 5 percent.

The Bureau of Accounts has supervision over all fiscal transactions. Even checks of the Army go through the office after they have been paid. All checks must go through that office, and the accounts must be balanced with the various appropriations of Congress. We should not cut the funds any further, certainly not to the point where it would be impossible to maintain proper standards of efficiency.

The Bureau of Accounts also handles detail work in connection with the payment of international claims, claims against the Government under the Government Losses in Shipment Act, and bills of foreign governments for amounts due under certain agreements, such as lend-lease and surplus property. Delays in carrying out such functions cause complaints from claimants and delays in collections of amounts due the United States.

A 10-percent reduction in the amount estimated for personal services would make it necessary for the Bureau of Accounts to reduce its personnel from 231 to 197, or a reduction of 34. The personnel of the Bureau is down to a minimum at the present time because of previous reductions in appropriations. Even with a full complement, certain small backlogs have developed which it is hoped can be cleared during the fiscal year 1952.

The Division of Disbursement has had an outstanding record of accomplishment. It has been complimented at various times by Appropriations Committees in both the House of Representatives and the Senate. The annual appropriation estimate for this agency as submitted is based on two factors only, volume of work to be performed, multiplied by unit cost. For the fiscal year 1951 the Division handled in all 188,027,000 payments, collections, and bonds. Next year it is estimated the Division will be called upon to process 202,000,000 items. Unlike other Government agencies, it cannot reduce the volume of work. It does not hunt up work. The work comes to the Division. Prompt payment must be made on all vouchers certified to it by the agencies served. For example, it makes refunds of overpayments on income taxes. Under the present withholding system, many such refunds must be made. If they are not made promptly, interest at 6 percent begins to run. Therefore, we may save in peanuts what we may lose on bananas. If we cut the personnel below what is required for efficient operation, we may be faced with the necessity of paying out a great deal of money in such interest payments on refunds.

The Division maintains a standard cost-accounting system to determine the unit cost per item processed. Very interesting facts are disclosed. For example, the unit cost for the fiscal year 1944 was 6¾ cents; for 1952 it will be 6¼ cents, or one-half cent less than 8 years ago. During the same period the average salary paid to employees increased from $2,114 to $2,934, not by action of the Division, but by legislation passed by Congress so that the employees could meet increased costs of living.

One thing that puzzles me, Mr. President, is that we go merrily along and raise salaries, but when an agency

comes in and asks for appropriations to meet them we refuse to appropriate the money.

We come now to the office administering the public debt. That function is not handled in Washington, but in Chicago. The committee reduced the amount by 5 percent, representing a total of 355 positions. The amendment of the Senator from Michigan would reduce the number of positions by 585, from 5,429.4, which was the total authorized by the Bureau of the Budget for the fiscal year 1952. They handle the public debt. They are responsible for interest payments, payments on bonds, and so forth.

Let us also consider the effect of making a 10-percent reduction in the personnel of the Bureau of the Mint. I wonder whether all Senators realize that the States, as a result of the passage of various tax laws, have caused a tremendous increase in the demand for coins, particularly in the case of the States which have passed 2-percent sales-tax laws. I know that in my home State if a person buys a bottle of Coca-Cola, he has to put a dime in the machine, and he receives 3 cents in change. Each small filling station has to have a large supply of pennies on hand. The additional demand for small coins has become terrific. Yet it is proposed that the personnel of the Bureau of the Mint be reduced by 10 percent, although skilled personnel are required in order to produce the coins, and at this very moment the situation is such that we are scraping the bottom of the barrel, so far as the supply of coins is concerned. If Senators do not believe that, let them ask the various mints what stockpiles of coins they have.

Mr. President, certainly it is unreasonable, and presents an unrealistic picture to the people of the country and to the Senate Finance Committee in connection with its preparation of a tax bill, for the Senate to vote for unjustifiable reductions. Of course, Senators can claim, "I voted to save this much money," but later in the year the Appropriations Committee must sit down quietly and prepare a deficiency appropriation bill—thus leading to the deficit spending which is so widely condemned. Yet that is the situation we face now.

As I said before, I see coming over the horizon a deficiency appropriation bill in connection with the transportation of mail; I think such a bill will be before us in a very short time.

Mr President, the application of a 10-percent reduction to the appropriations for the Office of the Treasurer—which is not the office of the Secretary of the Treasury, but is the office where all checks are written, and through which all checks are cleared—would result in a decrease of the personnel of that Office to the extent of an estimated 178 employees. Yet, the personnel of that Office have to write all checks except those for the armed services; they even write the allotment checks for the wives of soldiers. The budget estimates call for 1,421 employees in that Office, but the pending amendment would reduce that number by an estimated 178 employees.

Mr. President, I think a 10-percent cut cannot be justified in the case of these agencies.

If the making of such a cut in connection with these agencies is urged on the ground of consistency, let me say that I do not know that such an argument is properly applicable in these cases. After all, if a man runs over someone while he is driving his automobile home tonight, I wonder whether on the ground of consistency he should be supposed to run over some person every night while on his way home. It seems to me that the argument of consistency does not apply in this case.

We have been dealing with two agencies, one of which serves the public alone, and the other one serves the Government.

For these reasons, Mr. President, I hope the amendment of the Senator from Michigan will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Michigan [Mr. FERGUSON] on page 13, between lines 12 and 13.

Mr. FERGUSON. Mr. President, I ask for a division.

Mr. KILGORE. Mr. President, I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McCARTHY (when his name was called). On this vote I have a pair with the Senator from West Virginia [Mr. NEELY]. If the Senator from West Virginia were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The roll call was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Minnesota [Mr. HUMPHREY], the Senators from South Carolina [Mr. JOHNSTON and Mr. MAYBANK], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from Virginia [Mr. ROBERTSON], and the Senator from North Carolina [Mr. SMITH] are absent on official business.

The Senator from Texas [Mr. CONNALLY], and the Senator from Georgia [Mr. GEORGE] are absent by leave of the Senate.

The Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

The Senator from Connecticut [Mr. McMAHON] is absent by leave of the Senate on official business of the Committee on Foreign Relations.

The Senator from South Carolina [Mr. JOHNSTON] is paired on this vote with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting, the Senator from South Carolina would vote "nay," and the Senator from Massachusetts would vote "yea."

The Senator from Washington [Mr. MAGNUSON] is paired on this vote with the Senator from New Jersey [Mr. SMITH]. If present and voting, the Senator from Washington would vote "nay," and the Senator from New Jersey would vote "yea."

Mr. WHERRY. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. CASE], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness. If present and voting, the Senator from New Hampshire [Mr. TOBEY] would vote "yea."

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate on official business.

The Senator from Pennsylvania [Mr. DUFF], the Senator from California [Mr. KNOWLAND], and the Senator from New Jersey [Mr. SMITH] are detained on official business.

On this vote the Senator from Massachusetts [Mr. SALTONSTALL] is paired with the Senator from South Carolina [Mr. JOHNSTON]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Carolina would vote "nay."

Also, I wish to announce that the Senator from New Jersey [Mr. SMITH] is paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting the Senator from New Jersey would vote "yea" and the Senator from Washington would vote "nay."

The result was announced—yeas 43, nays 23, as follows:

YEAS—43

Aiken	Gillette	Mundt
Bennett	Hendrickson	Nixon
Bricker	Hickenlooper	O'Conor
Bridges	Holland	Schoeppel
Butler, Md.	Ives	Smathers
Byrd	Johnson, Colo.	Smith, Maine
Capehart	Kem	Stennis
Carlson	Langer	Taft
Cordon	Lodge	Watkins
Dirksen	Malone	Wherry
Douglas	McCarran	Wiley
Dworshak	McClellan	Williams
Eastland	McKellar	Young
Ferguson	Millikin	
Frear	Monroney	

NAYS—23

Benton	Hill	Moody
Chavez	Hoey	Morse
Clements	Hunt	O'Mahoney
Ecton	Johnson, Tex.	Pastore
Ellender	Kerr	Russell
Green	Kilgore	Sparkman
Hayden	Lehman	Underwood
Hennings	McFarland	

NOT VOTING—30

Anderson	Humphrey	McMahon
Brewster	Jenner	Murray
Butler, Nebr.	Johnston, S. C.	Neely
Cain	Kefauver	Robertson
Case	Knowland	Saltonstall
Connally	Long	Smith, N. J.
Duff	Magnuson	Smith, N. C.
Flanders	Martin	Thye
Fullbright	Maybank	Tobey
George	McCarthy	Welker

So Mr. FERGUSON's amendment, as modified, was agreed to.

Mr. FERGUSON. Mr. President, for myself, and on behalf of the Senator from New Hampshire [Mr. BRIDGES], I send to the desk an amendment to be inserted at the end of the bill.

The PRESIDING OFFICER. The clerk will read the amendment.

The CHIEF CLERK. On page 20, after line 17, it is proposed to insert a new section, as follows:

SEC. 403. Except for the automobiles officially assigned to the Secretary of the Treasury and the Postmaster General, respectively, and automobiles assigned for operation by the Secret Service Divsion, no part of any appropriation contained in this act shall be used to pay the compensation of any civilian employee of the Government whose duties consist of acting as chauffeur of any Government-owned passenger motor vehicle (other than a bus or ambulance), unless such appropriation is specifically authorized to be used for paying the compensation of employees performing such duties.

And to change the final section number from "403" to "404."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

Mr. FERGUSON. Mr. President, I believe that the Senator from West Virginia will take this amendment to conference, because it is in line with provisions relative to chauffeurs found in other bills.

Mr. KILGORE. Mr. President, will the Senator yield for one or two questions, for the purpose of clarifying the amendment for the record, and explaining its intendment?

Mr. FERGUSON. I shall be glad to yield to the Senator from West Virginia.

Mr. KILGORE. As I understand, the Bureau of the Customs has cars which are usually driven by Customs officers. In fact, the Customs officers always drive them. They are used for the purpose of rushing men to airports and to the piers. This amendment is not intended in any way to affect a man a part of whose duty may be to transport himself and other Customs inspectors, let me say, to meet a ship at the pier is it?

Mr. FERGUSON. No, it is not.

Mr. KILGORE. The same is true in the case of the Internal Revenue Bureau, is it not?

Mr. FERGUSON. That is correct. An agent might be on a job, using the car with two or three other men; and in such case they would not be considered as chauffeurs.

Mr. KILGORE. And is the same true of the Bureau of Narcotics?

Mr. FERGUSON. The same is true with respect to that Bureau.

Mr. KILGORE. And, of course, the Secret Service Division is included, as well as the United States Coast Guard, is it not?

Mr. FERGUSON. That is correct.

Mr. KILGORE. In other words, the amendment would apply only in the case of a man who was doing nothing but the work of a chauffeur, would it?

Mr FERGUSON. That is correct.

Mr. KILGORE. I am willing to take the amendment to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. FERGUSON].

The amendment was agreed to.

FURTHER SCANDALS INVOLVING JAMES P. FINNEGAN, MERLE YOUNG, AND THE DEMOCRATIC NATIONAL COMMITTEE

Mr. WILLIAMS. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendments.

The CHIEF CLERK. It is proposed to strike out all the language on page 2.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware.

Mr. WILLIAMS. Mr. President, this amendment will be withdrawn in a moment, but, since we are operating under a unanimous consent agreement, it is the only way by which I could get the floor at this time for the purpose of discussing another subject.

Mr. KILGORE. Mr. President, may we have order? I am unable to hear what the Senator is saying.

Mr. WILLIAMS. I hope the Senator from West Virginia will be able to hear what I am going to say, because I am sure he will be very much interested in this statement. I was merely pointing out that I am not going to discuss the bill, but I propose to discuss the case in St. Louis, Mo., which has been in the headlines so much recently, particularly the part which the Democratic National Committee has played in obtaining a loan for the American Lithofold Corp., of St. Louis, Mo. I am sure the Senator from West Virginia will be interested in it.

Mr. KILGORE. Mr. President, I submit this is out of order.

Mr. WILLIAMS. Mr. President, I have the floor, and I have not yielded.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. WILLIAMS. I understand I have 15 minutes.

Mr. KILGORE. May I propound a question to the Chair?

Mr. WILLIAMS. I am not yielding.

Mr. KILGORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KILGORE. Is the Senator from Delaware discussing his amendment?

The PRESIDING OFFICER. The Senator from Delaware has the floor for the purpose of discussing his amendment.

Mr. WILLIAMS. Mr. President, I ask that that time be not charged to the Senator from Delaware, and I would appreciate it very much if the Chair would see that further interruptions do not occur.

The PRESIDING OFFICER (Mr. CLEMENTS in the chair). That is a proper request. The time will not be charged to the Senator from Delaware.

Mr. WILLIAMS. Mr. President, I am discussing the recent exposure of the scandals in St. Louis. Recently the press has pointed out how Mr. William Boyle and the Democratic National Committee perhaps had expressed an interest in this case. I called the Reconstruction Finance Corporation, here in Washington, and I talked to Mr. James Allen, the special assistant to Mr. Stuart Symington, Administrator of the RFC, who has authorized me to make this statement. Mr. Allen has checked with Mr. Charles Alexander, the manager of the St. Louis, Mo., office of the RFC.

He stated that an application for a loan was filed by the American Lithofold Corp. on November 19, 1948, and that the amount of the loan requested was $548,219.50. During the month of December 1948 a long-distance call was made from Washington by Mr. Merle Young to Mr. O. R. Kraft, assistant manager of the St. Louis office of the RFC, at which time Mr. Young expressed an interest in this loan and told Mr. Kraft that the Democratic National Committee was very much interested in it also, and urged that something be done.

On May 7, I pointed out how Mr. James P. Finnegan, the collector of internal revenue at St. Louis, was also interested in this loan, at which time he was on salary with the Government and acting as collector of internal revenue in the St. Louis district. I pointed out that he had been paid $9,737.35, which he received from the American Lithofold Corp. as compensation for his services. I further pointed out on that date that, in its tax returns, the American Lithofold Corp. had deducted these amounts as attorney fees, and that Mr. Finnegan had reported them on his tax returns as receipts; so there did not seem to be too much argument about that part of it, although I recall that Mr. Finnegan made the statement, after I had made my speech of May 7, 1951, that my entire statement was "too ridiculous" even for comment. Nevertheless, Mr. Allen, the Assistant Administrator of the RFC, confirmed, this afternoon, that he had talked with his St. Louis manager, Mr. Charles G. Alexander, in St. Louis and that Mr. Alexander gave him a list of telephone calls and visits to the office of the St. Louis Reconstruction Finance Corporation, which were made by James P. Finnegan, while serving as collector of internal revenue, and that Mr. Alexander had stated that these calls and visits were all made in behalf of this loan, for which the American Lithofold Corp. was applying, which loan was subsequently granted, after Mr. Finnegan, Mr. Young, and Mr. Boyle got into the picture and were paid. The loan had been rejected by the RFC three times prior to the employment of these men by the American Lithofold Corp. I listed Mr. Finnegan's telephone calls and visits to the RFC, all of which were in behalf of this loan.

On July 5, 1949, there was a telephone call. On July 11 Mr. Finnegan visited the RFC St. Louis office. On July 14 he called on the telephone. On July 18 he visited the office. On August 22 he again visited the office. On October 11 he again visited the office. On October 13 he called on the telephone. On October 25 he again called on the telephone. On November 2 he visited the

office. On November 3 he called on the telephone. On November 18 he again called on the telephone. On November 22 he again visited the office. Each of these calls and visits was made in behalf of this loan.

On November 14, 1949, the loan was approved in the sum of $465,000. A few days later it was increased by another $100,000, giving the corporation a loan of $565,000. The final call was made by Mr. Finnegan to the office of the RFC on December 12, 1949. All of these calls were made while he was serving as collector of internal revenue in St. Louis, during which time he was drawing a salary of $1,000 per month from the company seeking the loan.

So the record shows that Mr. Finnegan was a very energetic individual. The loan had been rejected three times prior to this. Apparently, from the record, if we assume that is the way they did business in the RFC, if any businessman had wanted a loan the proper thing to do was to call the Democratic National Committee. Until such time as the Democratic Party recognizes this situation and cleans out Mr. Boyle they will have to stand on that record.

In closing I wish to pay tribute to the present management of the RFC in willingly and without any hesitation making available to me the information I requested. I have had their full cooperation in getting to the bottom of this scandal.

Mr. President, I now withdraw the amendment which I offered.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS, 1952

The Senate resumed the consideration of the bill (H. R. 3282) making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes.

Mr. DOUGLAS. Mr. President, I call up my amendment A and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Illinois.

The LEGISLATIVE CLERK. On page 17, after line 5, it is proposed to insert a new section, as follows:

SEC. 206. Section 6 of the act entitled "An act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes," approved July 6, 1945, is amended—

(1) by striking out "15" wherever it appears therein and inserting in lieu thereof "20"; and

(2) by striking out "one and one-quarter" wherever it appears therein and inserting in lieu thereof "one and two-thirds."

The amendment made by this section shall be effective as of July 1, 1951.

Mr. KILGORE. Mr. President, I make a point of order against the amendment offered by the Senator from Illinois. It is obviously legislation on an appropriation bill, and I think it is completely out of order.

Mr. DOUGLAS. Mr. President, the Senator from West Virginia is correct that it is legislation on an appropriation bill, but on the 19th of July I filed notice that I intended to move to suspend the rule, and I now move to suspend the rule.

The PRESIDING OFFICER. Before the Senator proceeds further, the Chair sustains the position taken by the Senator from West Virginia.

Mr. DOUGLAS. I now move that the rule be suspended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois. It can be debated for 15 minutes to a side.

Mr. DOUGLAS. All this amendment aims to do, Mr. President, is to establish a uniformity of leave provisions so that the postal employees can receive the same amount of leave, under the Post Office appropriation bill, that all other Government employees will receive under the amendment to the Independent Offices appropriation bill which was adopted by the Senate some days ago. By that amendment the amount of leave for regular employees of the Government, outside the postal service, was reduced from 26 working days to 20 days; for temporary employees, from 30 working days to 20 days; and uniformity at this time was also established for members of the Foreign Service when on home duty instead of 60 calendars as is now the case. The employees in the postal service, however, receive only 15 days' leave each year. They have in the past been at a very great disparity in comparison with other governmental employees.

I estimate that the amount of savings from the reduction of leave of temporary employees and regular employees outside the postal service will, in my judgment, be approximately $200,000,000. The amount of the increase caused by raising the leave of postal employees from 15 to 20 days will approximately amount to $30,000,000 to $35,000,000, making a net saving of from $165,000,000 to $170,000,000 for the two provisions when consolidated. I think I should say, further, Mr. President, that if for any reason the 20-day leave provision in the independent offices appropriation bill is not agreed to, or is not accepted by the conference committee, I would not ask that the leave of postal employees be increased. In other words, I believe that the conference committee should have a certain amount of discretion in the matter, and that this amendment should be included in an agreed-upon conference report only if the savings are carried on. In other words, this is the second and final step in a move to equalize the annual leave of all Federal employees at 20 days a year.

Mr. LEHMAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield for a question.

Mr. LEHMAN. Is it not a fact that at the time the Senator from Illinois offered his amendment to the independent offices appropriation bill, which was later adopted, it was clearly indicated by the Senator that he hoped a comprehensive, all-embracing bill which would place the employees of the Post Office Department on the same plane with the other employees of the Government, would be reported by the Committee on Post Office and Civil Service and passed by the Senate?

Mr. DOUGLAS. That is correct. I voted for the Pastore bill, but recent developments indicate that the Senate bill will, in all probability, not be accepted by the House. I believe that Chairman MURRAY of the House Post Office and Civil Service Committee has served notice that he will not accept the Senate bill and that, therefore, any change in the leave situation will have to come about through amendments to appropriation bills rather than through a general bill. I wish it were the other way. I should much prefer to have the matter handled by legislation out of the Post Office and Civil Service Committee, and I prefer the graduated system. But it is quite apparent that the House will not accept it. Therefore, our only chance of making savings and producing uniformity is through amendments to appropriation bills.

It is also a matter of record that I served notice when I offered the leave amendment to the independent offices appropriation bill that I would later move to increase the leave of postal workers to an equality. I think many Senators supported the original amendment on that understanding.

Mr. LEHMAN. I am very glad indeed to hear the Senator reiterate what I knew was his intention, which he very clearly enunciated on the floor of the Senate on a number of occasions, but I wonder whether the Senator will not agree with me in the statement that failure to place the postal employees on the same basis with other employees of the Government would be doing a rank injustice to that fine body of men and women.

Mr. DOUGLAS. I agree; and that is why I am offering the amendment, in order to bring them to an equality. But I want the equality on the basis of 20 days. I do not want to add an extra $30,000,000 to $35,000,000 by increasing postal workers' leave to 20 days unless we are making a $200,000,000 saving by reducing the leave of those getting 26 days or 30 days or even higher, to 20 days.

Mr. LEHMAN. I wish to express my appreciation of what the Senator has said. I knew what his sentiments were, and I very much hope that his amendment will prevail.

Mr. DOUGLAS. I thank the Senator from New York.

Mr. BENTON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. BENTON. In taking leadership on this most just and constructive move, has the Senator from Illinois determined why the postal workers have been treated so much less fairly on vacations than have workers in other branches of the Government?

Mr. DOUGLAS. Paraphrasing a statement made by Winston Churchill, I think it is a mystery wrapped within an enigma.

Mr. BENTON. Have there been previous efforts to correct this manifest injustice?

Mr. DOUGLAS. Yes; but there has been a natural reluctance on the part of Congress to extend the 26-working-day privilege to give everybody a 5½-week vacation.

Mr. BENTON. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. BENTON. Does the Senator from Illinois recall the Senate vote last year on the President's veto of the bill sponsored by the postal clerks to give a special seniority privilege to postal clerks who were veterans? Does the Senator recall that the clerks asked at that time this special privilege, in contrast to other Government employees, and that the President vigorously opposed giving it to them? Conversely, is it not fair and equitable that they should be accorded the same privileges, on the subject of vacation allowances, which are accorded employees in other branches of the Federal Government? Is it not a gross injustice that this equality has not been accorded them years ago? Seemingly we theoretically owe them countless weeks and months of back vacation to put them on an equal basis.

Mr. DOUGLAS. I quite agree with the Senator from Connecticut that the leave provisions should be equalized at 20 days a year, or on the graduated basis approved by the Senate.

Mr. CARLSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. CLEMENTS in the chair). Does the Senator from Illinois yield to the Senator from Kansas?

Mr. DOUGLAS. I yield.

Mr. CARLSON. I should like to support the amendment which the Senator from Illinois proposes to offer. On June 21 I made an effort to secure approval of a provision for 20 days leave for postal workers, increasing the time from 15 to 20 days.

I, too, favored the graduated-leave bill which was passed recently by the Senate and is now in conference between the Senate and the House. Present indications are that it will not be acted on soon.

I think it is only a matter of justice to the postal employees of the Nation that they should receive the benefit of the proposed increased leave. I certainly hope the Senate this afternoon will vote favorably upon the motion which is pending, and adopt the amendment of the Senator from Illinois.

Mr. DOUGLAS. I thought the Senator from Kansas had perfecting language he wanted to attach to my amendment, to cover temporary employees.

Mr. CARLSON. If the Senate adopts the motion and agrees to consider the Senator's amendment I shall be pleased to offer an amendment which will take care of the temporary employees who are not included in the amendment of the Senator from Illinois. I think the Senate will want to take action upon my proposal, in view of the action we took in connection with the graduated leave bill.

Mr. DOUGLAS. I will say to the Senator from Kansas that I was a little premature in the suggestion I made respecting that matter.

Mr. HAYDEN. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HAYDEN. What is the estimated cost of the proposed increase?

Mr. DOUGLAS. Between $30,000,000 and $35,000,000.

Mr. HAYDEN. That will be the annual increased cost?

Mr. DOUGLAS. Yes. We estimate, on the same basis, a saving from the reduction of leave of other employees, of approximately $200,000,000.

Mr. KILGORE. Mr. President, I am glad the last question was asked. I certainly wanted the Senate to know what the cost of the Senator's proposal would be. I am bitterly opposed to the present disparity in leave time. But I want the Senate, and those who have been urging that all kinds of budget cuts be made, to understand that this proposal will simply make necessary a supplemental estimate of the size of the increase indicated by the Senator from Illinois. I sometimes think that the bill should be amended to include the amount necessary to pay for the leave time, so that we can be honest with ourselves and our constituents, as we should be, and not stand up and say "We did this for you," and then fail to appropriate the money to do it.

Mr. FERGUSON. Mr. President, will the Senator from Illinois yield some time to me?

The PRESIDING OFFICER. Does the Senator from Illinois yield time to the Senator from Michigan, and if so, how much time?

Mr. DOUGLAS. As much time as the Senator may wish.

Mr. FERGUSON. I should like to have a minute or two.

The Senator from Michigan merely wishes to say that from time to time he has noticed the difference between the leave time allowed for the various employees of Government. He personally sponsored a bill to increase the leave time of the postal employees, because he felt it was practically impossible to reduce the leave time of other employees. Now that we have reduced the leave time of other employees, the Senator from Michigan, notwithstanding his stand on economy, feels that the present proposal is an equitable one. It proposes to treat all employees alike. For that reason he feels that the amendment should be adopted.

Mr. FREAR. Mr. President, I should like to address the Senate briefly.

The PRESIDING OFFICER. Does a Senator who has control of time wish to yield some time to the Senator from Delaware, and if so, how much?

Mr. DOUGLAS. I am glad to yield 2 minutes to the Senator from Delaware.

Mr. FREAR. I shall take only 1 minute. I should like to add a word or two to what the great and able Senator from Illinois has said regarding the leave time for postal employees. I think the proposal of the Senator from Illinois is a step in the right direction, and one that is long overdue. I concur in the remarks made by the Senator from Michigan [Mr. FERGUSON]. He said he is rather economy minded, and I believe I can be classed in the same category. However, I am firmly of the opinion that we should act justly and equitably toward the employees of the Post Office Department, as we have attempted to do, I think, with the other Civil Service employees of the United States.

Mr. CHAVEZ. Mr. President, on the motion of the Senator from Illinois to suspend the rule, I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McCARTHY (when his name was called). I have had a pair today on most of the amendments with the Senator from West Virginia [Mr. NEELY]. However, on this question I am informed that he would vote "yea," as I intended to vote. Therefore I am at liberty to vote, and I vote "yea."

The roll call was concluded.

Mr. JOHNSON of Texas. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from Iowa [Mr. GILLETTE], the Senator from Missouri [Mr. HENNINGS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Tennesee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG] the Senator from Montana [Mr. MURRAY], the Senator from West Virginia [Mr. NEELY], the Senator from Georgia [Mr. RUSSELL], and the Senator from North Carolina [Mr. SMITH] are absent on official business.

The Senator from Texas [Mr. CONNALLY] and the Senator from Georgia [Mr. GEORGE] are absent by leave of the Senate.

The Senator from Arkansas [Mr. FULBRIGHT] is necessarily absent.

The Senator from Connecticut [Mr. McMAHON] is absent by leave of the Senate on official business of the Committee on Foreign Relations.

I announce further that if present and voting, the Senator from Louisiana [Mr. LONG] would vote "yea."

Mr. WHERRY. I announce that the Senator from Maine [Mr. BREWSTER], the Senator from Nebraska [Mr. BUTLER], and the Senator from Indiana [Mr. JENNER] are necessarily absent.

The Senator from Washington [Mr. CAIN], the Senator from South Dakota [Mr. CASE], the Senator from Pennsylvania [Mr. MARTIN], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Idaho [Mr. WELKER] are absent on official business.

The Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] are absent because of illness. If present and voting, the Senator from New Hampshire [Mr. TOBEY] would vote "yea."

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate on official business.

The Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Indiana [Mr. CAPEHART], the Senator from Pennsylvania [Mr. DUFF], and the Senator from Utah [Mr. WATKINS] are detained on official business.

The result was announced—yeas 63, nays 0, as follows:

YEAS—63

Aiken	Hoey	Millikin
Bennett	Holland	Monroney
Benton	Hunt	Moody
Butler, Md.	Ives	Morse
Carlson	Johnson, Colo.	Mundt
Chavez	Johnson, Tex.	Nixon
Clements	Kem	O'Conor
Cordon	Kerr	O'Mahoney
Dirksen	Kilgore	Pastore
Douglas	Knowland	Schoeppel
Dworshak	Langer	Smathers
Eastland	Lehman	Smith, Maine
Ecton	Lodge	Smith, N. J.
Ellender	Magnuson	Sparkman
Ferguson	Malone	Stennis
Frear	Maybank	Taft
Green	McCarran	Underwood
Hayden	McCarthy	Wherry
Hendrickson	McClellan	Wiley
Hickenlooper	McFarland	Williams
Hill	McKellar	Young

NOT VOTING—33

Anderson	Flanders	McMahon
Brewster	Fulbright	Murray
Bricker	George	Neely
Bridges	Gillette	Robertson
Butler, Nebr.	Hennings	Russell
Byrd	Humphrey	Staltonstall
Cain	Jenner	Smith, N. C.
Capehart	Johnston, S. C.	Thye
Case	Kefauver	Tobey
Connally	Long	Watkins
Duff	Martin	Welker

The VICE PRESIDENT. On this vote the yeas are 63, the nays none. Two-thirds of the Senators present and voting having voted in favor of the motion to suspend the rule, the rule is suspended.

Does the Senator from Illinois desire to offer his amendment?

Mr. DOUGLAS. I offer my amendment, Mr. President.

The VICE PRESIDENT. The amendment offered by the Senator from Illinois will be stated.

The CHIEF CLERK. On page 17, after line 5, it is proposed to insert a new section, as follows:

SEC. 206. Section 6 of the act entitled "An act to reclassify the salaries of postmasters, officers, and employees of the Postal Service; to establish uniform procedures for computing compensation; and for other purposes," approved July 6, 1945, is amended—

(1) by striking out "fifteen" wherever it appears therein and inserting in lieu thereof "twenty"; and

(2) by striking out "one and one-quarter" wherever it appears therein and inserting in lieu thereof "one and two-thirds."

The amendment made by this section shall be effective as of July 1, 1951.

Mr. CARLSON. Mr. President, I offer an amendment to the amendment of the Senator from Illinois.

The VICE PRESIDENT. The amendment offered by the Senator from Kansas to the amendment of the Senator from Illinois will be stated.

The CHIEF CLERK. After clause (2) between lines 2 and 3 on page 2 of the amendment of Mr. DOUGLAS, it is proposed to insert the following:

(3) By adding at the end thereof a new paragraph as follows:

"Employees in the postal service whose appointments are temporary or indefinite in character and for not less than 90 consecutive days, shall be granted, under such regulations as the Postmaster General shall prescribe, the same rights and benefits with respect to annual and sick leave that accrue to regular employees, and each such employee shall receive credit for one-twelfth of a year for each whole calendar month such employee is carried on the roll as a temporary or indefinite employee: *Provided*, That the provision of this paragraph shall not apply to substitute rural carriers.

"The amendments made by clauses (1) and (2) of this section shall be effective as of July 1, 1951, and the amendment made by clause (3) of this section shall be effective as of December 1, 1950, but shall not apply in the case of any person who has been separated from the postal service prior to the date of enactment of this act."

Mr. CARLSON. Mr. President, this amendment really takes care of temporary postal employees who have come into the service following the adoption of the Whitten amendment, and cannot become permanent employees because of that situation. We took care of them in the leave bill which the Senate passed a few days ago.

These are not additional employees who were all taken care of in the graduated leave provision approved by the Senate. This amendment merely completes the list by including the temporary employees. I think it is only fair that they should be included. They would be permanent employees at the present time except for the Whitten amendment, which provides that they must remain temporary employees during the emergency. That may continue for a long period of time.

I sincerely hope that my amendment to the amendment will be accepted.

Mr. DOUGLAS. Mr. President, I am very glad to accept the amendment of the Senator from Kansas.

Mr. KILGORE. Mr. President, I shall be glad to accept the amendment as offered, and take it to conference. I have never believed in legislation on appropriation bills, and for that reason I raised the point of order. But I do not believe that we should discriminate against any class of Government employees.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CARLSON] to the amendment of the Senator from Illinois [Mr. DOUGLAS].

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. DOUGLAS] as amended.

Mr. DOUGLAS. Mr. President, there is one point which I think should be thoroughly in the minds of Senators before we take a final vote, and that is that if the amendment to the independent offices bill reducing leave for other Government employees is not finally approved then in my judgment, at least, this amendment should not be pushed. In other words, the action of the conferees on this bill should be integrated with the decisions of the conference committee on the independent offices bill in order that we may get a net saving out of this and not merely an increased expense.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois [Mr. DOUGLAS], as amended.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

Mr. HAYDEN. Mr. President, I move to reconsider the vote by which the committee amendment on page 15, lines 14 and 15, was agreed to. If the motion prevails, I shall move to strike the figure "$1,852,100,000," in line 15, and insert in lieu thereof the figure "$1,882,100,000."

The VICE PRESIDENT. The Chair understands that the Senator from Arizona was inquiring at the desk about the procedure at the time the Chair ordered the third reading of the bill. Therefore, the Chair will suspend the order for the third reading.

Mr. HAYDEN. What I am trying to do is to provide money to carry out the action of the Senate.

Mr. FERGUSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Does the Senator from Arizona yield for that purpose?

Mr. HAYDEN. Yes.

Mr. FERGUSON. Did not the Chair order the third reading of the bill?

The VICE PRESIDENT. The Chair has explained that at the time he made the order, the Senator from Arizona [Mr. HAYDEN] was at the desk inquiring about the procedure to follow. Therefore, the Chair felt that the order for a third reading should be rescinded.

Mr. HAYDEN. Financial honesty requires that when the Senate adopts an amendment which increases the cost of postal operations by $30,000,000 a year it should provide $30,000,000 in the bill by way of appropriation. That is what my amendment would do.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. FERGUSON. Would it not be proper, inasmuch as there is some doubt, according to the statement of the Senator from Illinois [Mr. DOUGLAS], as to the exact amount involved, that the expenditure involved in the amendment which has been adopted should be provided for by a supplemental appropriation bill? The Senator from Illinois, I am sure, does not know the exact figure.

Mr. HAYDEN. The Senator's estimate was from $30,000,000 to $35,000,000.

Mr. DOUGLAS. That was an estimate only.

Mr. FERGUSON. It seems to me that provision should be made through the regular channels in a supplemental appropriation bill. We are dealing only with an authorization. We should not act on an appropriation without the matter going through the Committee on Appropriations.

Mr. HAYDEN. If it should turn out that it is not necessary to include such

an amendment, the conference committee can reduce the amount by $30,000,000. However, the Senate having voted a charge against the Treasury it should also be willing to put the money in the Treasury with which to pay the bill.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. DOUGLAS. Should not the same logic of the Senator from Arizona be followed in the case of the independent offices appropriation bill, that the amount should be diminished by the fraction which will be saved by the adoption of the leave provision?

Mr. HAYDEN. The money was not added to the independent offices bill.

Mr. DOUGLAS. The money would be subtracted from the amount needed for the agencies covered by the independent offices bill.

Therefore, if we provide the money for the increased costs of the Post Office Department we should provide a method by which we can recoup the gains which we would make in the other governmental offices.

Mr. HAYDEN. I wish to make it clear to the postal clerks of the United States that if the Senate grants them an increased leave period, the money will be available with which to pay for them.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. MORSE. Does it not answer the Senator from Illinois to say that under the fiscal policies of the Government, so far as the independent offices bill is concerned, the money would automatically revert if it were not expended?

Mr. DOUGLAS. We have had too much experience in that regard.

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. HAYDEN. I do.

Mr. DOUGLAS. We have had too much experience with governmental agencies to expect that any money which has been appropriated to them will be returned to the Treasury. They will speed up in the last 2 weeks of the fiscal year to spend it for some purpose. Therefore, the thought expressed by the Senator from Oregon with respect to the possibility of getting heads of agencies voluntarily to return unspent funds is touching, but I believe ill-founded.

Mr. FERGUSON. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. FERGUSON. Is it clear that this is under the heading of postal operations?

Mr. HAYDEN. Yes.

Mr. FERGUSON. The $30,000,000 would not be applied directly or specifically to the leave?

Mr. HAYDEN. There would be no question about it.

Mr. FERGUSON. It could be used for anything which is provided for under postal operations?

Mr. HAYDEN. That is correct; if we were to add $30,000,000 there would be no question about what it was intended for.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CARLSON. I wish to state to the Senator from Arizona that I would support his motion if I did not have some question as to the exact amount that would be needed. My figures show that $23,000,000 will be needed. I should think that the proper way of handling the matter would be to wait to see whether the bill becomes law. If it besomes law, a deficiency appropriation bill could be passed for the exact amount required.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Does the Senator from Arizona yield for that purpose?

Mr. HAYDEN. Yes.

Mr. WHERRY. Of course, the amendment has been offered by the distinguished Senator from Arizona, and he is in charge of his own time. Who is in charge of the opposition time?

The VICE PRESIDENT. The Senator from Arizona has made a motion to reconsider the vote by which the Senate agreed to the amendment. It is not actually an amendment which is pending; it is a motion to reconsider a vote.

Mr. WHERRY. As I understand, time is allotted on motions, as well as on amendments.

The VICE PRESIDENT. Fifteen minutes is allowed to each side. The Senator from Arizona controls 15 minutes and the Senator from West Virginia [Mr. KILGORE] controls 15 minutes.

Mr. MORSE. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. MORSE. I am trying to find out what the fiscal practices of the Government are. The comment of the Senator from Illinois interests me very much. He said that a department would proceed to spend money for purposes for which it was not appropriated.

Mr. HAYDEN. The Bureau of the Budget keeps a very careful check on departmental expenditures. They have the power to impound money. I have no doubt that if there were an excess which was not needed the money would be promptly impounded by the Bureau of the Budget.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arizona [Mr. HAYDEN]. [Putting the question.] The "noes" seem to have it. The "noes" have it, and the motion is not agreed to.

The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The VICE PRESIDENT. The question is on the final passage of the bill.

The bill (H. R. 3282) was passed.

Mr. KILGORE. Mr. President, I move that the Senate insist upon its amendments, request a conference thereon with the House, and that the Chair appoint the conference on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. KILGORE, Mr. MAYBANK, Mr. MCCLELLAN, Mr. MCKELLAR, Mr. JOHNSTON of South Carolina, Mr. ECTON, Mr. BRIDGES, and Mr. SALTONSTALL, conferees on the part of the Senate.

EXTENSION OF DEFENSE PRODUCTION AND HOUSING AND RENT ACTS—CONFERENCE REPORT

Mr. McFARLAND. Mr. President, earlier in the day I made an announcement with regard to the conference report on the Defense Production Act. I understand that the conferees have now agreed, and that the action of the conferees is unanimous. There should not be any controversy in regard to the report. The conference committee worked practically all night. I do not like to see the Senate come back tomorrow to vote on a conference report which has been unanimously agreed to by the conference committee. Surely after the members of a conference work all night and present a unanimous report, we ought to be willing to work another hour and agree to the conference report tonight. I hope the distinguished Senator from South Carolina [Mr. MAYBANK] will move to consider the conference report and that it may be adopted.

Mr. MAYBANK. Mr. President, I appreciate the compliment the Majority Leader has paid me. I may say that all the conferees, those on the part of the Senate and those on the part of the House, were in agreement. We worked not only until 5 o'clock this morning, but also from about 2:30 p. m. today—we were delayed in starting—until a few minutes ago, and we worked all day the day before, and many days prior to that.

I am perfectly willing to make a short statement on the conference report now, if that is desired.

The VICE PRESIDENT. Does the Senator from South Carolina request unanimous consent that the conference report be considered at this time?

Mr. MAYBANK. Yes, Mr. President, I submit the conference report and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request for the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1717) to amend and extend the Defense Production Act of 1950 and the Housing and Rent Act of 1947, as amended.

(For conference report, see today's proceedings of the House of Representatives.)

Mr. MAYBANK. Mr. President, I merely wish to say that we felt we did the best we could for the 150,000,000 people of America. The conference report is neither a Republican nor a Democratic report; it is an American conference report.

At the outset, Mr. President, I would like to state that, while the Senate conferees are unanimous in reporting the conference report, that does not mean that we agree with all the provisions in

the legislation. On the contrary, there are some provisions which I believe could be greatly strengthened. Others in my judgment, may cause some price advances which should not be allowed or may not be justified. But all in all I think we got the best inflation and production control bill possible.

The report makes no great changes in the present law. We have retained the right of the Congress to eliminate by concurrent resolution any section which the Congress may desire to eliminate.

The bill continues in pretty much the same way the present provisions on allocations and priorities. There are some refinements and improvements that experience has shown to be necessary. We have included the rent-control bill almost in the same form in which the Senate passed it. We succeeded in rejecting two serious weakening amendments in the House bill.

Both House and Senate conferees, in substance agreed that there may be certain increases up to 20 percent in rent over 1947, but beyond that no additional increases can be made.

The Secretary of Defense or the Secretary of War Mobilization are given authority to declare certain critical areas defense areas, and, therefore, to have rent control apply to them. That provision would apply to Oak Ridge, Tenn., if the Secretary declared it to be a critical defense area, and I hope he does because in my judgment, of course, it is a defense area; but this provision of the law would have to go into effect before the Secretary could make such a declaration; and the same is true in the case of Hanford. We included in the definition of person, Government-owned housing so they would be subject to Federal rent control just as any privately run housing operation is. I certainly hope that the passage of this act will stop some of the outrageous rent increases that are about to go into effect in Oak Ridge, Greenbelt, and other Government-owned projects. The conferees eliminated some of the House provisions and also some of the Senate's provisions.

As indicated before I do not think any one of the conferees would say he was in favor of every section or every part of the conference report, because the report is of such wide scope and it affects so many persons that naturally there could be no such agreement. However, we did agree to the fundamental provision to control inflation as set forth in the conference report, and we worked until 5 o'clock this morning to make certain that the present law would not expire without a new law to take its place.

We accepted the so-called Bow amendment of the Representative from Ohio, which permits State control where a State regulatory body exists over natural gas lines, rather than allowing Federal control.

The principal amendment to which we agree was, of course, the roll-back amendment.

For the amendment on roll-backs, on page 12 of the bill, we substituted the following:

(4) After the enactment of this paragraph no ceiling price on any material (other than an agricultural commodity) or on any service shall become effective which is below the lower of (A) the price prevailing just before the date of issuance of the regulation or order establishing such ceiling price, or (B) the price prevailing during the period January 25, 1951, to February 24, 1951, inclusive. Nothing in this paragraph shall prohibit the establishment or maintenance of a ceiling price with respect to any material (other than an agricultural commodity) or service which (1) is based upon the highest price between January 1, 1950, and June 24, 1950, inclusive, if such ceiling price reflects adjustments for increases or decreases in costs occurring subsequent to the date on which such highest price was received and prior to July 26, 1951 or (2) is established under a regulation issued prior to the enactment of this paragraph. Upon application and a proper showing of his prices and costs by any person subject to a ceiling price, the President shall adjust such ceiling price in the manner prescribed in clause (1) of the preceding sentence. For the purposes of this paragraph the term "costs" includes material, indirect and direct labor, factory, selling, advertising, office, and all other production, distribution, transportation and administration costs, except such as the President may determine, to be unreasonable and excessive.

And I may say that we took the House version permitting no ceilings to be established or maintained for any agricultural commodity below 90 percent of the price received—by grade—by producers on May 19, 1951, as determined by the Secretary of Agriculture. Of course, no ceiling could be placed below the parity price for the commodity.

Mr. HOLLAND and Mr. KNOWLAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from South Carolina yield; and if so, to whom?

Mr. MAYBANK. The Senator from Florida was the first to ask me to yield; therefore, I yield to him at this time.

Mr. HOLLAND. Mr. President, would the effect of the last-mentioned provision adopted by the conferees be, in the case of the beef roll-backs, to approve the 10-percent roll-back already placed in force, but to disapprove the two additional ones?

Mr. MAYBANK. The Senator from Florida is entirely correct. We agreed as to the 10-percent roll-back which has been made, but we disagreed as to any further roll-backs.

We accepted the amendment nullifying the authority to establish slaughtering quotas, as adopted by the Senate and by the House. The Senate conferees did agree themselves to a slaughter-control provision and offered it to the House conferees, but they rejected it on the grounds that a point of order would be made to it in the House.

Of course, I myself did not vote for that amendment in the Senate; I understood from the Parliamentarian that although a provision which was identical in both House and Senate bills could be deleted from a conference report because the both bills were in disagreement and the House substituted their language for the Senate's and there was serious question it could be deleted according to the House rules. So the slaughtering quota amendment remains in the form in which it was passed by the Senate, without any change.

In that connection, I shall introduce a bill in which the Senator from Indiana will join me as a cosponsor, and hearings will be held on it tomorrow; at that time we shall hear the views of the witnesses who appear as to how we may correct any black-market situation, which I know both the Senate and the House would like to have corrected. That was the situation in regard to beef. In the end, I stood by the conferees, of course.

Now I yield to the Senator from California.

Mr. KNOWLAND. Mr. President, I should like to ask the able Senator from South Carolina in regard to the following situation: In California we have, as I assume is true in many other States, publicly owned public utilities. For instance, the bureau of light and power in the city of Los Angeles and the East Bay Utility District are two examples. They are public bodies under the State law. Their directors are elected by a vote of the people or are selected under the laws of the State to operate these publicly owned utilities. As I understand, they do not come under the regulatory power, which in the case of our State is the State railroad commission, in the way that privately owned public utilities do. It is a public body, as I have pointed out.

Does the language as it now appears in the conference report give the Administrator power to regulate the rates of a publicly owned, publicly regulated utility?

Mr. MAYBANK. Absolutely not. The House did have a provision, the Kennedy amendment, to which we refused to agree.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. CAPEHART. In other words, wherever a State or a municipality regulates the rates, the Federal Government under the law will have no right to regulate them.

Mr. KNOWLAND. The only question which arises is due to the language of the Kennedy amendment, which seemed at least to imply that in the case of agencies which were not regulated by a State regulatory commission or a State public-utilities commission—for instance, in the case of the East Bay Public Utility District and the Bureau of Light and Power of Los Angeles, which are public bodies—the administrator could regulate the rates. Of course, those two bodies do not come under the State regulatory commission, but set their own rates as a public regulatory agency of the State. I want to make certain what their situation will be.

Mr. MAYBANK. I assure the Senate that the conferees on the part of the Senate stood adamant, as I said, against the so-called Kennedy amendment, and did not include in the conference report any provision which would give any additional power to the Office of Price Stabilization to regulate any public utility rates, whether relating to water, light, heat, or telephones.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. O'CONOR. I should like to ask the Senator from South Carolina whether any provisions are included which, in the event roll-backs are permitted, would allow cost adjustments.

Mr. MAYBANK. That is correct. The House amendment was amended by the Senate. Although the Senate conferees did not wish to accept the amendment, we finally accepted it, and, if the Senator desires, I will read the language of it.

Mr. O'CONOR. Will the Senator read it now, or at a later time?

Mr. MAYBANK. I will read it now, if the Senator desires. I shall be glad to read it. The Senator—I did not hear exactly his whole question—I believe it has reference to the House provision relating to margins which have been customary over a period of years, the way we finally agreed to accept it. Instead of putting it on an individual shop and material basis we put it on a collective basis. In other words, instead of allowing a hardware storekeeper to adjust his ceiling price on each of the thousands of items he sells, hardware storekeepers, for example, might be allowed a margin which would be determined for the group for all items or a group of items.

Mr. KILGORE. Mr. President, will the Senator yield for a question?

Mr. MAYBANK. I yield.

Mr. KILGORE. I wish to go one step further in connection with what the Senator from California was asking. Where a State has a regulatory body for the purpose of regulating both private and public utilities, under the interpretation of the Senator from South Carolina, the OPS would not have authority over such public regulatory bodies, would it?

Mr. MAYBANK. It would have no authority over State regulatory bodies.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield to the Senator from Alabama.

Mr. SPARKMAN. If I may, I should like to reply to the question asked by the distinguished Senator from Maryland.

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Alabama for that purpose?

Mr. MAYBANK. I yield.

Mr. SPARKMAN. With reference to people being protected in connection with the costs, and in connection with roll-backs, here is the exact language——

Mr. MAYBANK. I understood the Senator to be talking about the customary margin amendment.

Mr. SPARKMAN. I think he had this in mind also:

> Upon application and a proper showing of his prices and costs by any person subject to a ceiling price, the President shall adjust such ceiling price in the manner prescribed in clause 1 of the preceding sentence. For the purposes of this paragraph, the term "costs" includes material, indirect and direct labor, factory, selling, advertising, office and all other production, distribution, transportation, and administration costs, except such as the President may determine to be unreasonable and excessive.

Mr. MAYBANK. In other words, if the price of anyone's product is rolled back—and it can be rolled back to pre-Korea—his increased costs since the date must be taken into consideration. If the Senator desires me to read the provision regarding costs, I shall be glad to do so. It was our idea that some gougers and dishonest firms have taken advantage of the situation since Korea and their prices should be rolled back. On the other hand, we did not wish to leave it wide open to the rolling back of 75,000 or 80,000 honest businesses, which, through no fault of their own, were required to pay an increased cost of materials, increased cost of labor, and increased transportation, the costs of which have increased excessively in many cases, in connection with freight rates, and so forth. All of that had to be taken into consideration. We also stated that the President—and of course, he will delegate this authority to Mr. Wilson—could disallow any excessive charge or costs which had not existed in previous years.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield to the Senator from California.

Mr. KNOWLAND. The Senator from South Carolina, of course, and all those who served on the conference committee, have an advantage over the rest of us, who have not had an opportunity to read the report and to know what actually happened; so I want to make a few inquiries in order to clarify certain points.

Mr. MAYBANK. I may say to my distinguished friend from California that I merely want to serve the Senate, and if we can agree to the report tonight, and avoid the necessity of being here all day tomorrow, I shall be glad to stay here as long as anyone else, and if there are any questions to be asked which I can answer, I shall be glad to answer them. If I cannot answer them, I shall have to say that I cannot.

Mr. KNOWLAND. Our economic system is sometimes called a profit system, but it is really a profit-and-loss system, is it not?

Mr. MAYBANK. That is correct. We tried our best not to have any profit-control amendments included. That is a matter which the Senate Finance Committee and the House Ways and Means Committee concern themselves when they consider the excess-profit taxes, and so forth.

Mr. KNOWLAND. That is the question I had in mind.

Mr. MAYBANK. The Senator from Indiana [Mr. CAPEHART], a representative leader on the other side of the aisle, as well as the Senator from Delaware [Mr. FREAR], who is a member of the Senate Finance Committee, agreed with us. We insisted that that not be done, and it is a part of the RECORD.

Mr. KNOWLAND. So the Senator is in a position to assure the Senate that there is nothing in this report which would give the OPS power to change the customary, traditional profit differential of enterprise, industry, and commerce. Is that correct?

My MAYBANK. To the best of my knowledge, that is correct.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield to the Senator from Michigan.

Mr. FERGUSON. The original bill reported by the Senator's committee, when it came to the floor, contained very strong language, declaring that the purpose of the bill was not to attempt to control profit; did it not?

Mr. MAYBANK. That is correct.

Mr. FERGUSON. As I now understand, the conference report comes back in the same way, so that nothing different is being done than what was provided in the original bill. Is that correct?

Mr. MAYBANK. I may say to the Senator from Michigan that, as he so well knows, the House must act on the report, after the Senate acts, because the Senate agreed to the conference; but each of the Senate conferees made it definitely clear that it was not a profit-control measure.

Mr. FERGUSON. So, as part of the legislative history of this bill, the Senator is now stating on the floor of the Senate that it is not the intention that the new law shall control profits. Is that correct?

Mr. MAYBANK. That was the thought of every Senate conferee.

Mr. FERGUSON. And that is the intention now; is it?

Mr. MAYBANK. Of course.

Mr. FERGUSON. I mean, there has been no change?

Mr. MAYBANK. That is correct.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield to the Senator from Vermont.

Mr. AIKEN. I should like to ask what the conferees did with the provision which prohibits the OPS from setting aside the provisions of the Agricultural Act of 1949.

Mr. MAYBANK. We gave the OPS no authority whatever to change any law of the land, particularly if it had been approved by the Committee on Agriculture and Forestry.

Mr. AIKEN. And that provision remains in the bill; does it?

Mr. MAYBANK. Yes; also we did not make any change that in any way affected the parity provision of the Agricultural Act.

Mr. AIKEN. I should now like to ask what the conferees did in regard to the price of milk, aside from the marketing-agreement areas.

Mr. MAYBANK. We accepted an amendment which was proposed by the Committee on Agriculture and Forestry. As I remember, it was first proposed by Dr. TALLE as a substitute. I do not have the amendment before me at the moment, but Dr. TALLE, for whom we have the greatest respect—the Senator from New York [Mr. IVES] also shares my high regard for him—made the proposal. I will give the Senator the amendment.

Mr. AIKEN. I think I am familiar with Dr. TALLE's amendment; and if it was accepted, it was very appropriate.

Mr. MAYBANK. It certainly was accepted.

Mr. WILEY. May we have it read?

Mr. AIKEN. The amendment, which has been handed me by the Senator from South Carolina, reads:

On page 16, lines 14 to 21, strike out the paragraph and insert in lieu thereof the following:

"(d) Subsection 402 (d) (3) of the Defense Production Act of 1950 is amended by adding a new sentence thereto to read as follows:

"'No ceiling prices to producers for milk or butterfat used for manufacturing dairy products shall be issued until and unless the Secretary of Agriculture shall determine that such prices are reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect the supply and demand for dairy products, and will insure a sufficient quantity of dairy products and be in the public interest. The prices so determined shall be adjusted by him for use, grade, quality, location, and season of the year.'"

I think that leaves it up to the Secretary of Agriculture to determine the fair price for milk.

Mr. MAYBANK. I understood that was the best way to handle it.

Mr. AIKEN. I think that in accepting this amendment the committee has probably undoubtedly dealt fairly and wisely with the situation.

Mr. MAYBANK. That is what we wanted to do—to deal fairly and wisely with the situation in the interest of the American people.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. LANGER. How are the farmers affected?

Mr. MAYBANK. The farmers are affected to this extent, that we did not touch any parity provisions or parity laws. We accepted the House language on farm roll-backs. The beef roll-back was 10 percent and no more. We permit the Administrator to roll farm prices back 10 percent below the price in May.

Mr. SCHOEPPEL. Mr. President, would the Senator from South Carolina mind repeating his last statement?

Mr. MAYBANK. We accepted the House language to permit the OPS to roll back prices 10 percent below the May price, providing, of course, the prices were not below parity. The distinguished Senator from Kansas knows that wheat is 85 percent of parity. It would not be affected. The price of cotton today is 34 cents. I regret that wheat is only 85 percent of parity.

Mr. LANGER. Mr. President, will the Senator yield further?

Mr. MAYBANK. I yield.

Mr. LANGER. Is wheat treated the same as cotton?

Mr. MAYBANK. It most certainly is.

Mr. DOUGLAS. If wheat and cotton are joined together, the rest of us had better look out.

Mr. MAYBANK. We are pretty good joiners in the interest of the farmers, and the American people. They are the backbone of American life, society, and development. The Senator from Illinois is from a corn-producing State. We did not leave the corn producers out either.

Mr. BENTON. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield.

Mr. BENTON. I ask this question further to clarify the answer which the Senator from South Carolina gave to the distinguished Senator from Michigan [Mr. FERGUSON] and the distinguished Senator from California [Mr. KNOWLAND]. Does not the roll-back amendment have the effect of allowing the manufacturer the addition of his costs, but there is no allowance given to the manufacturer for his customary profit margin on those additional costs? Thus, for example, if it costs 10 cents to make the pencil which I hold in my hand, and I am making one-tenth of a cent profit on it, the price might increase to 20 cents, but I would still, under the amendment, be held to one-tenth-of-a-cent profit.

Mr. MAYBANK. If the Senator from Connecticut does not mind, I should like to ask the Senator from Indiana, who worked particularly on this section, to answer the Senator's question.

Mr. BENTON. My question was asked for purposes of clarification. I did not ask it in any critical way.

The VICE PRESIDENT. Without objection, the Senator from Indiana may answer the question.

Mr. CAPEHART. What the amendment does is to permit a seller to add whatever increase in costs he may have had, cost of materials, indirect and direct labor, factory advertising, production costs, distribution, transportation, and administrative costs except such as the President may determine to be unreasonable or excessive. If the seller's price should be higher than is warranted after adding those increased costs, OPS rolls the price back. If the present price is less than it would be after adding these increased costs, then the manufacturer must be permitted to advance the price to take care of all the increased costs.

Mr. BENTON. That is the way I understood the amendment.

Mr. CAPEHART. The Senator is correct.

Mr. BENTON. The amount of profit would be the same at either price level.

Mr. MAYBANK. That is correct.

Mr. BENTON. I wanted to make that clear, particularly for the benefit of the two distinguished Senators who asked the questions about the effect on profits.

Mr. KNOWLAND. Mr. President, will the Senator from South Carolina yield in order that I may pursue the matter with the Senator from Indiana?

Mr. MAYBANK. I shall be glad to yield.

Mr. KNOWLAND. Does the Senator say, in effect, that whatever the profit on an item a merchant had at the outbreak of the Korean hostilities is maintained, and even though his costs are doubled his profit per item is still held at the same point? I think we should have some clarification on that point.

Mr. CAPEHART. That is not correct. There is nothing in the bill that estops a man from handling his business in his historical way or from pricing his goods in his historical way.

Mr. KNOWLAND. That is what I thought from the first answer given by the Senator from South Carolina, but with the clarification of the Senator from Connecticut the issue seemed to be befogged. I now understand the Senator to say that there is nothing that interferes with the customary historic mark-up of whatever the costs may be.

Mr. CAPEHART. That is correct.

Mr. BENTON. When we say "historic"——

Mr. MAYBANK. The historic mark-up is a separate amendment from the roll-back amendment.

Mr. President, would it be in order to ask the clerk to read an amendment?

The VICE PRESIDENT. Without objection, that may be done.

The legislative clerk read as follows:

No rule, regulation, order, or amendment thereto shall hereafter be issued under this title, which shall deny to sellers of materials at retail or wholesale their customary percentage margins over costs of the materials during the period May 24, to June 24, 1950, or on such other nearest representative date determined under section 402 (c), as shown by their records during such period, except as to any one specific item of a line of material sold by such sellers which is in short supply as evidenced by a specific Government action to encourage production of the item in question. No such exception shall reduce such customary margins of sellers at retail or wholesale beyond the amount found by the President, in writing, to be generally equitable and proportionate in relation to the general reductions in the customary margins of all other classes of persons concerned in the production and distribution of the excepted item of material.

Mr. MAYBANK. That is a different amendment from the roll-back amendment. I am sorry it was confused with the roll-back amendment the Senator from Indiana was explaining to the Senator from Connecticut.

Mr. BENTON. Mr. President, will the Senator yield for a further question?

Mr. MAYBANK. I yield.

Mr. BENTON. Perhaps the Senator from Indiana may wish to comment on this question. Would it, then, follow that the bill protects retailers and wholesalers in their customary traditional or historic operations, but, in fact, it does not do the same thing for manufacturers?

Mr. MAYBANK. In my judgment, the Senator is correct.

Mr. BENTON. I think it is important to bring out that point.

Mr. MAYBANK. In my judgment the Senator is correct. They were the best terms we could make with the House conferees. We changed some of the language.

Mr. MOODY. I should like to ask the chairman further to clarify this point: Whether the bill as it now stands provides that the historic mark-up in the case of a manufacturer is a dollar mark-up, but the mark-up in the case of a wholesaler or retailer is now on a percentage basis under the bill? Is that correct?

Mr. MAYBANK. That is my interpretation of the conference report.

Mr. MOODY. May I ask the Senator from Indiana [Mr. CAPEHART] if that is his interpretation of it?

Mr. CAPEHART. Mr. President, I was not observing what the Senator said.

Mr. MAYBANK. Let me say that the amendment that was read did not pertain to manufacturers.

Mr. MOODY. That was my understanding.

Mr. MAYBANK. The amendment applied to wholesalers and retailers with respect to mark-up.

Mr. CAPEHART. Mr. President, what was the question?

Mr. MOODY. As I understand the question brought up by the Senator from Connecticut, it was directed to whether the historic mark-up applies to the dollar mark-up or to the percentage-of-cost mark-up. As I understood the explanation, the historic mark-up in the case of a manufacturer would be a dollar historic mark-up, and in the case of wholesalers and retailers, a percentage-of-cost mark-up. Is that correct?

Mr. CAPEHART. Wholesalers and retailers do business both on what is called a discount basis and also buying for a net amount and selling for X amount. The mark-up takes care of both historic ways of doing business. The roll-back amendment has nothing to do with profits at all. There are two standpoints. The provision goes back to January 1, and takes the highest price between January 1, 1950, and June 24, 1950, and permits the seller to add his increased cost, as detailed at the tail-end of the amendment, to arrive at the selling price. If those increases are less than the price at which he is selling at the moment, he can increase his price. If they are more than the price at which he is selling at the moment, they can be rolled back.

Mr. MOODY. Does that apply to everybody, or only to manufacturers?

Mr. CAPEHART. That applies to everybody, subject to selling prices.

Mr. O'CONOR. Mr. President, will the Senator yield?

Mr. MAYBANK. I yield to the Senator from Maryland.

Mr. O'CONOR. Mr. President, I desired to ask the Senator to yield in order that I might ask a question of the junior Senator from Alabama [Mr. SPARKMAN], who has given special attention to this matter. May I ask the Senator from Alabama whether he considers the time provision, that is, the period designated in the earlier part of the section, which is from January 1, 1950, to June 24, 1950, applicable to that provision which has to do with the cost adjustment in the latter part of the language which was read?

Mr. SPARKMAN. Yes; as a matter of fact the cost adjustments in the latter part do apply particularly to that period. In other words, what we say is this, that there may be roll-backs to a price level represented during that period of time, which we considered normal immediately preceding the outbreak of the Korean war, plus such legitimate cost increases as may have occurred since that time.

Mr. O'CONOR. Would the Senator think that any extraordinary cost which has, by experience, been shown to have affected certain products, would be a condition properly to be considered?

Mr. SPARKMAN. I believe if the Senator will read the careful enumeration of costs we have included, he will come to the conclusion that the answer would be in the affirmative. We did include a "safety" clause whereby the President may determine certain costs, and that is intended to prevent padding.

Mr. O'CONOR. I observed that, and I am entirely in accord with that language, but I wanted to get the Senator's opinion, as one of the conferees. I note that the particular provision to which the Senator from Alabama refers is contained in the last few words "except such as the President may determine to be unreasonable."

Mr. BENNETT. Mr. President, I should like to read for the benefit of the junior Senator from Connecticut [Mr. BENTON] and the junior Senator from Michigan [Mr. MOODY] the language of the historic profit amendment. While it does not refer specifically to a manufacturer it says:

> No rule, regulation, order, or amendment thereto shall hereafter be issued under this title, which shall deny to sellers of materials.

Now, every manufacturer, Mr. President, must be a seller of material or he is out of business. So he is the seller of material, whether he is a manufacturer and sells it at retail or whether he sells it at wholesale, or whether he is a retailer and sells it at retail or sells it at wholesale. It applies to every seller of material, whether at retail or at wholesale.

I cannot see how this language restricts the effect of the amendment only to retailers and wholesalers and does not apply it to manufacturers. I assume, therefore, that this amendment, preserving the customary percentage margin over costs, applies to all American business, including manufacturers.

Mr. SPARKMAN. Before the Senator from South Carolina makes his motion to adopt the report I would like to make a brief reference to the remarks of the Senator earlier in the discussion on slaughter quotas. Although the conferees agreed on the provision banning slaughtering quotas, I would like to point out that the present law does provide licensing authority and it was not affected by the action we took on quotas.

Mr. MAYBANK. That is my understanding.

Mr. President, I ask that the conference report be adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

WOOL AND SYNTHETIC SUBSTITUTES

Mr. O'MAHONEY. Mr. President, this morning there appeared in the New York Times an article, in the business section, which stated in effect that the Defense Mobilization Administration was about to support a program to provide for the financing, through amortization certificates or otherwise, of a $500,000,000 program for the mass production of wool substitutes.

Upon the publication this morning in the New York Times of a Washington dispatch stating that the Government will next week certify a "program for production of a wool substitute" I communicated with Eric Johnston, head of the Office of Economic Stabilization, who confirmed previous statements he had made to me that the defense agencies have no such plan in mind.

One certificate of amortization was issued about 2 months ago in the amount of $25,800,000, but no new certificates are now planned. It can definitely be stated that there is no Government program to finance an investment of "close to $500,000,000 for mass production of wool substitutes," as stated in the New York Times story.

There are numerous applications on file with the National Production Authority from chemical companies for amortization certificates to aid in the production of synthetic fibers. An application for an amortization certificate from Chemstrand Corp., which is jointly owned by Monsanto Chemical Co. and American Viscose Co., has been approved in the amount of $88,500,000 for the manufacture of nylon, and another application of the same company has been approved in the sum of $25,800,000, for the manufacture of a fiber called a wool extender. The proposed nylon production has nothing to do with apparel fabric.

No application of any kind for anything resembling a wool substitute has been approved, and Mr. Johnston assures me that defense officials are bringing no pressure for action upon any of these applications. Moreover, he says they have no intention of doing so. Earlier in the year when wool prices, because of speculative buying, had reached unprecedented levels, the Defense Mobilization Administration had discussed the possibility of using synthetic fibers to be mixed with wool in order to supplement supplies. Since that time, however, the wool supply situation and the price situation have materially changed. There is a large portion of the current New Zealand clip unsold. Australian dealers still have large supplies on hand, while the Argentine wool crop is still available in warehouses. The Argentine Government, which had been holding wool off the market in the hope of increased prices, only last week authorized the licensing of wool exports on the basis of current market sales.

It is not too much to say that not less than 25 percent of the 1950–51 Australian and New Zealand wool clip remains unsold, and that natural wool can now be acquired by manufacturers at prices far below the peaks reached when speculators all over the world were bidding prices up.

World supply conditions have changed to such an extent that it is now clear that there is enough natural wool on hand, and being produced at home and abroad, to meet current demand. A defense program of financing the expansion of synthetic fibers either by way of Government loans or amortization certificates would now serve no purpose and

would only result in decreasing tax revenue and increasing Government financial outlay.

These circumstances are so clear and wool prices have been so adjusted since the speculative fever broke that it would now be unwarranted for the Government to take any action.

Mr. DWORSHAK. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. DWORSHAK. The Senator from Wyoming has referred to a certificate for rapid amortization which has been issued already. Was that for the building of a plant to manufacture a wool substitute?

Mr. O'MAHONEY. No. There is no such thing as a wool substitute.

Mr. DWORSHAK. I mean a synthetic fiber intended as a substitute for wool.

Mr. O'MAHONEY. There is a fabric which is called a wool extender. The certificate in that case was for $25,800,000, but it would be of no significant proportions.

Mr. DWORSHAK. Is that considered to be essential to the national defense, as justifying that certificate?

Mr. O'MAHONEY. I do not think so.

Mr. DWORSHAK. But it was so considered, was it not?

Mr. O'MAHONEY. It was so considered; yes. That certificate was issued about 2 months ago.

Mr. DWORSHAK. To whom?

Mr. O'MAHONEY. To the Chemstrand Corp., which is jointly owned by Monsanto Chemical Co. and American Viscose Co.

What I am trying to make clear is that the story which went out from the New York Times today, to the effect that a $500,000,000 program was under consideration, is without basis.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1952

Mr. McFARLAND. Mr. President, in order that Senators may know what the pending business is, I move that the Senate proceed to the consideration of House bill 4329.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 4329) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1952, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

DECLARATION OF POLICY WITH RESPECT TO ARIZONA RESERVATION INDIANS—RESOLUTION OF ARIZONA STATE HOUSE OF REPRESENTATIVES

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a declaration of policy adopted by the House of Representatives of the State of Arizona. It is identical with a similar resolution adopted by the State senate. It deals with a declaration of policy with respect to Arizona Reservation Indians.

In connection therewith, I ask unanimous consent to have printed in the body of the RECORD a telegram from the attorney general of Arizona and certain other documents relating to the same subject.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

House Resolution 3

Resolution making a declaration of policy with respect to Arizona reservation Indians

Be it resolved by the House of Representatives of the State of Arizona:

Whereas it appears that the Department of Indian Affairs has not requested an appropriation from Congress to permit compliance by said Department with the terms of an agreement known as the Santa Fe agreement, wherein the burden of providing for the public needs of reservation Indians was fairly and equitably distributed between the State of Arizona and the Department of Indian Affairs; and

Whereas reservation Indians are in fact wards of the Federal Government and their health and welfare are primarily the responsibility of that Government; and

Whereas in the State of Arizona 1 person in 10 is an Indian and approximately 75 percent of the land in Arizona is held either directly or indirectly by the Federal Government and as such not subject to taxation by the State of Arizona; and

Whereas millions of dollars are being appropriated by Congress annually for the relief of foreign populations while at the same time Congress shirks what is believed by the State of Arizona to be a definite responsibility to its own wards; and

Whereas but a limited number of the Indian population of Arizona are self-supporting which is a condition due to the failure of the Indian Service to furnish those educational facilities which were guaranteed to the Arizona Indians by treaties between the Federal Government and the Indians at the time the Indians surrendered to the Armed Forces of the United States; and

Whereas because of the impoverished condition of the Arizona reservation Indians no taxes are derived by the State of Arizona from this large segment of the population of Arizona; and

Whereas because of the foregoing it is economically impossible for the State of Arizona to assume alone the tremendous financial burden of providing for the assistance needs of reservation Indians in said State: Now, therefore, be it

Resolved by the Arizona State House of Representatives, That, because of the foregoing, Arizona is both unable and unwilling to assume a financial responsibility which rightfully belongs to the Federal Government which has heretofore been equitably distributed between the Indian Service and the State of Arizona by the Santa Fe agreement and which if borne alone would place an intolerable burden upon the taxpayers of the State of Arizona.

PHOENIX, ARIZ., *July 21, 1951.*

CARL HAYDEN,
United States Senate,
Senate Office Building:

As soon as the details can be worked out but within 60 days we expect to file an action seeking a declaratory judgment from either the District Court of the United States Supreme Court to determine whether Arizona must take reservations Indians on its public-assistance rolls as a condition to receiving further Federal grants from the Federal Security Administrator. Our enabling act prevents us from taxing reservations Indians but they can vote. We cannot sue them in their tribal courts but they can sue us in our courts. Any action to recover funds improperly paid because obtained through fraud or misrepresentation by Indians present serious problems because of tribal customs and laws. Tribal funds and real and personal property are possessed by the various tribes but information as to the availability of these to meet needs of the individual Indians is not available to Arizona State Department. These and other questions can only be finally answered by a court adjudication.

FRED O. WILSON,
Attorney General of Arizona.

UNITED STATES
DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D. C.

Memorandum to D. Otis Beasley, Director, Budget and Finance.

From: W. Martin Greenwood, executive officer.

Subject: Public-assistance funds for Arizona.

In response to your informal request and upon the basis of our conversation with Commissioner Myer, there is stated below the amount that would be required to be added to the appropriation "Health, education, and welfare services, 1952" to continue the public-assistance contribution by this Bureau for Indians in the State of Arizona other than Navajo and Hopi Indians:

840 cases (1,350 people) at $34,113 per month (based on the case load for the fiscal year 1951)	$409,356
300 additional cases during the fiscal year 1952 at $500 per year	150,000
Total	559,356

As you may know, our past arrangement has provided for the Bureau to pay two-thirds of the public-assistance grant and the State to pay one-third. The above amount of $559,356 would be required to pay the Bureau's two-thirds share.

W. BARTON GREENWOOD,
Executive Director.

SOCIAL SECURITY ADMINISTRATION,
Washington, D. C., July 25, 1951.

Hon. CARL HAYDEN,
United States Senate,
Washington, D. C.

DEAR SENATOR HAYDEN: You asked for information relative to public-assistance payments in the State of Arizona for the fiscal year ended June 30, 1951. We do not have the final figures but we estimate that during that fiscal year a total of $13,633,000 was expended for old-age assistance, aid to the blind, and aid to dependent children. Of this total, the Federal Government contributed $7,353,000 and the State $6,280,000. Expressed in terms of percentage, the Federal Government contributed 54 percent and the State 46 percent.

As you know, in accordance with the "Santa Fe Agreement," the Indian Bureau this last fiscal year met two-thirds of the need of reservation Indians other than those residing on Navajo and Hopi Reservations, and the Arizona State Department of Public Welfare met one-third of the need. However, the Federal Government, under the provisions of the Social Security Act, shared with the State the cost of meeting the one-third of need. The net result as near as we can estimate, if this same arrangement is continued for the present fiscal year, would be that it would cost the Bureau of Indian Affairs $550,000, the State $128,000, and the Social Security Administration $147,000,

making a grand total for reservation Indians, other than the Navajo and Hopi, of $825,000.

You asked how much it would cost the Federal Government for matching under the provisions of the Social Security Act if Congress did not make this appropriation of $550,000 to the Bureau of Indian Affairs and if the total cost of paying assistance to these Indians were $825,000. We estimate that under the provisions of the Social Security Act the Federal Government would contribute $472,000 and the State $353,000 of the total cost of $825,000. Since the total cost to the Federal Government, if the appropriation of $550,000 were made to the Bureau of Indian Affairs, would be $697,000 (i. e., $550,000 plus $147,000 under the provisions of the Social Security Act) instead of $472,000; under the provisions of the Social Security Act, if no appropriation is made to the Bureau of Indian Affairs, it will be seen that the net additional cost to the Federal Government would be $225,000 if this special appropriation is made.

I trust this is the information you want.

Sincerely yours,

A. J. ALTMEYER,
Commissioner.

Average number of persons receiving public assistance per month for the fiscal year 1951:

Old-age assistance	14,235
Aid to dependent children	15,720
Aid to the blind	876
Total	30,831

EXECUTIVE SESSION

Mr. McFARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. HOEY in the chair) laid before the Senate a message from the President of the United States submitting the nomination of Wilton L. Halverson to be medical director in the Regular Corps of the Public Health Service, which was referred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

DIPLOMATIC AND FOREIGN SERVICES

The legislative clerk read the nomination of Capus M. Waynick to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THOMAS E. WHELAN

The legislative clerk read the nomination of Thomas E. Whelan to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

Mr. LANGER. Mr. President, I wish to say a few words in connection with the nomination of Mr. Whelan.

For 30 years Mr. Whelan has been on the legislative committee of the American Legion for the State of North Dakota. He is an outstanding citizen. He served in the State senate. He is a businessman and a farmer. I may add that since his nomination by the President there has been universal acclaim on the part of the citizens of North Dakota. At last North Dakota has been recognized in the diplomatic field.

Mr. MAGNUSON. Mr. President, I wish to congratulate the Senator from North Dakota, who waged a long fight to have North Dakota represented in the diplomatic corps of this country. I am sure that Mr. Whelan will be a very able representative of the diplomatic corps.

As the Senator from North Dakota is aware, I have known Mr. Whelan for many years. He is not only an excellent citizen——

Mr. WHERRY. He is a Republican.

Mr. MAGNUSON. I am also reminded that he is a good Republican, which is to his credit, coming from North Dakota.

I join with the Senator from North Dakota in congratulating the President; and I congratulate the Senator from North Dakota on the appointment of Mr. Whelan to the diplomatic corps.

Mr. LANGER. As my distinguished friend knows, for 12 years Mr. Whelan was State chairman of the Republican Party in North Dakota.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. LANGER. I yield.

Mr. McFARLAND. I, too, wish to congratulate the Senator from North Dakota. I think this is a banner day for him. I understand that he has been successful today in more ways than one.

Mr. WHERRY and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield, and if so to whom?

Mr. LANGER. I yield to the Senator from Nebraska.

Mr. WHERRY. Mr. President, I congratulate the Senator from North Dakota on the successful outcome of his strenuous efforts to secure the appointment of an ambassador from the State of North Dakota. He has really commenced what we hope will be a tradition. We hope that the diplomatic corps will continue to go to North Dakota for good men. The Senator from North Dakota has certainly a great deal of credit coming to him for the efforts which he has made in that behalf.

Mr. President, I know Tom Whelan. I have known him for years. He is an extraordinary individual. He is industrious; he has a great deal of ability; and he is a man of the highest integrity. I congratulate the administration for appointing a man of the high type of Tom Whelan to represent us in Nicaragua.

Mr. MAGNUSON. Mr. President, will the Senator further yield?

Mr. LANGER. I yield.

Mr. MAGNUSON. I hope that this will not only establish a tradition for North Dakota, but establish also a tradition in the State Department, that occasionally some of the ordinary citizens of the United States may be considered just as good material for appointment as ambassadors as some of the career men.

Mr. WHERRY. I think that is a good point. If the administration will only reach out into all the States and get good Republicans like Tom Whelan, many of our problems will be solved.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

RESEARCH AND DEVELOPMENT BOARD

The legislative clerk read the nomination of Walter G. Whitman, of Massachusetts, to be Chairman of the Research and Development Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. McFARLAND. Mr. President, I ask unanimous consent that the nominations in the Army be confirmed en bloc.

GEN. WALTER BEDELL SMITH

Mr. BENTON. Mr. President, before we act on the request of the Senator from Arizona, I should like to take about a minute to comment on the top appointment, that of Lt. Gen. Walter Bedell Smith, who is to be made by the action of the Senate in confirming his nomination a general in the Army of the United States.

I had the privilege of being closely and intimately associated with General Smith during his service as our Ambassador to Moscow. He has had one of the most remarkable and distinguished careers, not only of any man in the Army, but any man in our country. He is a self-made man. I believe that he will be the only general who not only did not go to West Point, but also the only general who does not have a college education. He worked his way up through the Army, starting his career as a private in 1917. In 1918 he had reached the grade of sergeant in the Indiana National Guard. It was only then that he became an officer in the Officers' Reserve Corps. As I recall, he reached only the grade of captain as recently as 1938 or 1939. Like General Eisenhower, he then had a meteoric rise, due to his extraordinary ability, which, because of the exigencies of the war, was brought to the fore.

He first achieved great public acclaim as General Eisenhower's deputy chief of staff, and alter ego in London. He has been much decorated not only by our own Government but also by our allies in recognition of his abilities. After the war he served brilliantly as Ambassador to Moscow, during the period of my service in the State Department. There was no Ambassador for whom I formed a higher regard, no Ambassador whose dispatches showed greater insight, courage, or forthrightness, or who was more diligent in fostering and furthering his views with the Department in Washington.

Mr. President, I know through my personal friendship with him of the ill health which he suffered as a result of those arduous years. In my opinion all American citizens owe him a debt of gratitude for again responding to the call of the President in taking the difficult assignment as chief of our Central Intelligence Authority, and now as chairman of the new Board of Psychological Warfare. At grave risk to his health he

worked day and night in these critical and difficult new areas. I submit that all of us in the Senate today do ourselves considerable honor, as well as doing honor to General Smith, in the privilege we have of voting for the confirmation of his nomination as a general in the Army of the United States.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc, and in each instance the President will be immediately notified.

GEN. JAMES ALWARD VAN FLEET

Mr. HOLLAND. Mr. President, at the time of the assignment of General Van Fleet to Korea to be the commanding general of the Eighth Army, in common with other Members of the Senate, I predicted that his record there would be a glorious one of achievement and splendid leadership. I believe that prediction has been borne out and that the merited promotion of General Van Fleet to become, as he has, by the action of the Senate in the last few minutes, a general in the Army of the United States, is the highest possible evidence of the high quality of his service.

In order that the record of these proceedings may carry some further indication of the modest but splendid character of General Van Fleet, I should like to quote briefly from a letter which I received yesterday from General Van Fleet under date of July 15, written after the armistice negotiations were under way.

I quote:

I am glad to report now that this magnificent Eighth Army has given the Communist enemy two severe defeats, in April and May, and that we will do it again if necessity dictates. We all, of course, have peace in our hearts and hope that the fighting in Korea may end. However, the Eighth Army must be on the alert more than ever and at its best in the event armistice negotiations fail. I am confident as ever that the Eighth Army will defeat anything that the Communists can bring into Korea.

I thought it highly important that the quotation from the letter which I have read should appear in the RECORD in connection with his confirmation by the Senate of the United States to be a full general in the Army of the United States.

LT. GEN. LEWIS ANDREW PICK

Mr. SCHOEPPEL. Mr. President, with respect to the confirmation of the nomination of General Pick, I should like to say that in General Pick we have a man who has the respect and confidence of the men and women in executive positions throughout the length and breadth of the United States.

He is a man of great ability, who has builded a monument to his profession. He has done much to develop a plan for the great Missouri River Basin which is now for the first time really coming into its own by way of major development. While a portion of that great valley has recently suffered a tragic flood, it is the foresight, judgment, and planning of General Pick, and some of his associates, which will make possible for that great river and its tributaries to be harnessed.

The advancement of General Pick is well deserved, and it will be hailed throughout the country.

AIR FORCE OF THE UNITED STATES

The legislative clerk proceed to read sundry nominations in the Air Force of the United States.

Mr. McFARLAND. Mr. President, I ask unanimous consent that the nominations in the Air Force of the United States be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Air Force of the United States are confirmed en bloc.

UNITED STATES AIR FORCE

The legislative clerk proceeded to read sundry nominations in the United States Air Force.

Mr. McFARLAND. I ask that the United States Air Force nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

DEPARTMENT OF THE NAVY

DAN A. KIMBALL

The legislative clerk read the nomination of Dan A. Kimball to be Secretary of the Navy.

Mr. MAGNUSON. With reference to the nomination of Mr. Dan A. Kimball to be Secretary of the Navy, like my friend the Senator from Florida [Mr. HOLLAND], who spoke in tribute to General Van Fleet, I do not believe the RECORD would be complete unless something were said about the distinguished career of Mr. Kimball. He is not only a fine citizen, but during World War II he did yeoman work at great personal sacrifice to himself. He has stayed on through the emergency. He not only has a fine mind so far as the administration of the Navy is concerned, but he has rendered excellent service. I believe the administration is to be complimented that Mr. Kimball has agreed to stay on in the service of the Government. I have known him personally for some time. He is carrying on at great personal and financial sacrifice, and I am sure he will continue to function as he has in the past years on a call to duty by his country.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

ADMIRAL CALVIN M. BOLSTER

The legislative clerk read the nomination of Rear Admiral Calvin M. Bolster, United States Navy, to be Chief of Naval Research in the Department of the Navy.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE NAVY

The legislative clerk proceeded to read sundry nominations in the United States Navy.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

Without objection, the President will be immediately notified of the nominations this day confirmed.

COMMENDATION OF CERTAIN NOMINATIONS AND EXPRESSION OF APPRECIATION

Mr. McFARLAND. Mr. President, I should like to add my voice to that of the distinguished Senator from Kansas [Mr. SCHOEPPEL] in his commendation of General Pick, and join in what has been said by the distinguished Senator from Florida [Mr. HOLLAND] with respect to General Van Fleet. I also desire to endorse the tribute to Mr. Kimball uttered by the Senator from Washington [Mr. MAGNUSON]. I am certain that in these cases the nominations were made on the basis of service which these gentlemen performed for their country. Time would not permit us to expand on their records and to express adequate commendation of the nominees. I know that their records speak for themselves.

Mr. President, I wish to take this opportunity to express my appreciation for the patience and the work of the members of the staff and others, who have waited on us today. They are the ones who have made it possible for the Senate to proceed in an orderly manner.

I also wish to express my appreciation to the Members of the Senate, who have worked so hard and so long during the day, in which we have passed two appropriation bills and have agreed to an important conference report. I felt that I owed it to the Members of the Senate to express my appreciation of their patience and attention during the long hours of the day.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

RECESS TO MONDAY

Mr. McFARLAND. Mr. President, as in legislative session, I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 7 o'clock and 27 minutes p. m.) the Senate took a recess until Monday, July 30, 1951, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate July 27 (legislative day of July 24), 1951:

PUBLIC HEALTH SERVICE

The following-named candidate for appointment in the Regular Corps of the Public Health Service.

To be medical director (equivalent to the Army rank of colonel), effective date of acceptance.

Wilton L. Halverson

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27 (legislative day of July 24), 1951:

DIPLOMATIC AND FOREIGN SERVICES

Capus M. Waynick, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Colombia.

Thomas E. Whelan, of North Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nicaragua.

RESEARCH AND DEVELOPMENT BOARD

Walter G. Whitman, of Massachusetts, to be Chairman of the Research and Development Board.

IN THE ARMY

APPOINTMENTS

Lt. Gen. Walter Bedell Smith, to be general in the Army of the United States, with rank from July 1, 1951.

Maj. Gen. William Edward Bergin, to be the Adjutant General, United States Army, and major general in the Regular Army of the United States.

Brig. Gen. Kenneth Burman Bush, for temporary appointment as major general in the Army of the United States.

Gen. Wade Hampton Haislip, to be Vice Chief of Staff, United States Army (major general, U. S. Army), to be placed on the retired list in the grade of general.

Lt. Gen John Edwin Hull, to be Vice Chief of Staff, United States Army, with the rank of general and as general in the Army of the United States.

Lt. Gen. James Alward Van Fleet, to be commanding general, Eighth Army, with the rank of general and as general in the Army of the United States.

Lt. Gen. Alfred Maximilian Gruenther, to be Chief of Staff, Supreme Headquarters, Allied Powers, Europe, with the rank of general and as general in the Army of the United States.

Lt. Gen. Joseph May Swing, to be commanding general, Sixth Army, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Maj. Gen. Andrew Davis Bruce, to be commandant, Armed Forces Staff College, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Maj. Gen. Maxwell Davenport Taylor, to be Deputy Chief of Staff for Operations and Administration, United States Army, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Maj. Gen. Anthony Clement McAuliffe, to be Assistant Chief of Staff, G–1, United States Army, with the rank of lieutenant general and as lieutenant general in the Army of the United States.

Maj. Gen. Lewis Andrew Pick, to be lieutenant general in the Army of the United States.

Col. Bickford Edward Sawyer, to be Chief of Finance, United States Army, and as major general in the Regular Army of the United States.

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of subsection 515 (c) of the Officer Personnel Act of 1947:

To be brigadier generals

Calvin DeWitt, Jr., O4459.
Charles Frost Craig, O7231.
Charles Wilkes Christenberry, O8373.
Robert Alston Willard, O8586.
Henry Maris Black, O8596.
Thomas Kenneth Vincent, O9682.
Harry Frederick Meyers, O11877.
Robert Gilbert Lovett, O12062.
Frank Otto Bowman, O12090.
George Gage Eddy, O12108.
Arthur Pulsifer, O12211.
John Ray Hardin, O12283.
Elton Foster Hammond, O12291.
Eugene McGinley, O12318.
Hobart Hewett, O12328.
James Holden Phillips, O12331.
Nathaniel Alanson Burnell 2d, O12337.
John Leonard Whitelaw, O12357.
Frank Andrew Henning, O12648.
James Malcolm Lewis, O12650.
Bernard Linn Robinson, O12652.
William Wallace Ford, O12667.
John States Seybold, O12693.
Maurice Wiley Daniel, O12766.
Gustave Harold Vogel, A12793.
Charles Harlan Swartz, O12798.
William Earl Crist, O12828.
William Edward Waters, O14700.
Carroll Heiney Deitrick, O14796.
Mark McClure, O14935.
James Dunne O'Connell, O14965.
Oliver Wendell Hughes, O14974.
Robert Parker Hollis, O15079.
Joseph Howard Harper, O15083.
Einar Bernard Gjelsteen, O15143.
John William Harmony, O15240.
Earl Shuman Gruver, O15259.
Leonard James Greeley, O15449.
Haydon Lemaire Boatner, O15641.
John Archer Elmore, O15823.
John Perry Willey, O15954.
James Francis Collins, O16819.
Lawrence Russell Dewey, O15575.
Arthur Lawrence Marshal, O38593.
Ira Kenneth Evans, O16215.
William Murlin Creasy, O16397.
John Gibson Van Houten, O16669.
William Peyton Campbell, O14886.
Andrew Thomas McNamara, O17324.
Marshall Sylvester Carter, O18359.
Harold Richard Duffie, O126221.

The following-named persons for appointment as chaplains of the Regular Army in the grade indicated:

To be first lieutenants

Walter S. McCleskey, O954169.
John V. Peters, O961893.
Jerome O. Sommer, O931456.

The following-named persons for appointment in the Regular Army of the United States in the grades and corps specified subject to physical qualification:

To be lieutenant colonel

George K. Lewis, MC, O253703.

To be majors

Ralph E. Conant, MC, O295442.
William S. Cornell, MC, O310237.
Paul A. Reed, MC, O381049.
James H. Smith, MC, O364247.

To be captains

John C. Carpenter, MC, O964449.
Enrico D. Carrasco, MC, O935760.
Arthur Cohen, MC, O935883.
Robert Fowler, MC, O977417.
Charles R. Green, MC, O935985.
Thomas D. Kelly, MC, O1766567.
Samuel V. King, MC, O992565.
Lawrence P. Kleuser, Jr., MC, O996046.
James G. McFaddin, MC, O1736407.
Henry H. Modrak, MC, O1775880.
Glenn H. Richmond, MC.
Hasell G. Ross, MC, O976251.
William J. Tiffany, Jr., MC, O1715946.

To be first lieutenants

Russell W. Bickley, DC, O2051412.
William B. Blackstone, MC, O977486.
Raymond J. Congour, DC.
Roy E. Daniel, DC, O808191.
Michael J. Davis, MC, O978750.
Eugene A. Garcia, DC, O981008.
Robert W. Little, DC, O446456.
Ralph B. Lydic, DC, O1556908.
Thomas O'Sullivan, DC, O722875.
Grace G. Palmer, WAC, L1010000.
Charles M. Powell, Jr., JAGC, O840851.
Irving Wikler, MC, O966304.
Hal C. Worcester, DC, O1755288.

To be second lieutenants

Milton Braveman, MSC, O707219.
Margaret M. Butler, WAC, L201148.
David W. Duttweiler, MSC, O981055.
Freeda L. James, WMSC, M2870.
Mary K. Leath, WMSC, M2873.
Julia E. Ladbetter, WAC, L1010095.
Frances L. T. McKinney, ANC, N792223.
Sarah F. Niblack, WAC, L201642.
Lois M. Nuhn, WAC, L1010246.
Florence A. Schmidt, WMSC, M2875.
Dorothy S. Siler, WAC, L1010040.
Helen D. Steir, WAC, L702161.
Barbara A. Stierle, WMSC, R2560.
Alice L. Turner, WAC, L1020599.
Frances O. Vandiver, ANC, N792530.
Eileen B. Witte, WMSC, R2556.

Appointment in the Medical Corps, Regular Army of the United States, in the grade indicated, subject to completion of internship, and subject to physical qualification:

To be first lieutenants

John R. Daniels, O2203688.
Alan R. Hopeman, O2050512.
Heber S. Hudson, O2209678.
Lloyd Kitchen, O1039061.
George A. Levi, O341520.
Donald G. McLeod, Jr., O1048902.
Jack D. Reedy, O1542344.
Stephan N. Schanzer, O986956.
Paul W. Sheffler, O2209671.
James B. Standerfer, O2206697.
William A. Stephens, O1542877.
Henry T. Zelechosky, O2037024.

The following-named persons for appointment in the Regular Army of the United States in the grades specified, subject to physical qualification:

To be first lieutenants

Frank M. Bott, O933389.
Colin D. Ciley, Jr., O1186968.
Michael G. Collins, O1060047.
Jack D. Dougherty, O453521.
Walter J. Harcort, O450831.
George A. McCowen, O1118086.
Lee P. Moore, O1182197.
Robert C. Morris, O498281.
Bedell A. Tippins, Jr., O1296768.

To be second lieutenants

Charles P. Alter, O1648965.
Thomas J. Barnes.
Jerry F. Bradley, O2020244.
James B. Bryant, O957017.
Danford S. Carroll, O1342157.
Ray A. Clardy, O439388.
Arthur H. Collins, Jr., O1291077.
William M. Dickson, O1333440.
Michael A. DiGennaro, Jr., O974254.
Alexander R. Evans, O1688439.
Carlos L. Fraser, O1030768.
Edward C. Gustely, O556317.
Cam J. Hurst, Jr., O957029.
Joseph P. Jaugstetter, O443195.
Robert J. Landseadel, Jr., O557086.
William Nelson, O955894.
Charles E. Parrish.
Harlan A. Rasmusson, O1062504.
Herbert L. Sauermann, O2210152.

Appointment in the Regular Army of the United States in the grade indicated, subject to designation as distinguished military graduates, and subject to physical qualification:

To be second lieutenants

Carroll H. Blanchard, Jr.	Richard R. Heineke
	Lavar Jensen
Donald K. Blumenthal	Walter O. Johnson
Richard B. Boughton	O978306.
Wesley R. Bozone	Guy M. Lubold, Jr.
Kenneth J. Carah	Frank R. Olcott
O2209967	Laurence C. Peabody
Douglas E. Christenser	George E. Pickett, Jr.
	George H. Schubert
Donald E. Corum	John E. Stuntz
O2211125.	William T. Tanner, Jr.
Charles A. Dawdy, Jr.	Edward E. Townsend
Leonard J. D'Eon	Robert S. Williams, Jr.
Edward A. Fraser	

The following-named persons for appointment in the Medical Corps, Regular Army, in the grade indicated of first lieutenant in lieu of captain, Medical Corps, as previously nominated and confirmed:

To be first lieutenants

Anthony A. Borski, O1534682.
Robert I. Bosman, O444500.
Roscoe C. Brand, Jr., O1169034.
Gerald J. Breakstone, O426719.
Otis E. Bridgeford, O1534685.
John E. Buess, O926884.
Thornton R. Cleek, O1041526.
James A. Ewart, O407299.
Hugh S. Geiger, Jr., O747124.
Robert W. Green, O388326.
Thomas M. Hall, O410302.
Joe S. Haney, Jr., O441260.
William O. Kearse, O366344.
Dean McCandless, O414073.
Gordon B. Miller, O451619.
Walter S. Mizell, O513096.
John de La S. Morris, O379853.

Harold W. Mueller, O2209654.
Robert C. Nelson, O363141.
Robert L. Obourn O418579.
Matthew D. Parrish, O789498.
Arnold M. Reeve, O1296257.
William L. Richardson, O985652.
Thomas D. Sellers, O678337.
James A. Shafer, AO671116.
Leo H. Silverman, O325022.
John W. Stark, O460951.
Walter E. Switzer, O854290.
James C. Syner O566870.
Lewis A. Van Osdel, O420535.
Lloyd T. Wright, O2209672.
Harry H. Youngs, Jr., O1535118.

AIR FORCE OF THE UNITED STATES

The following officers for appointment to the positions indicated under the provisions of section 504, Officer Personnel Act of 1947;

Lt. Gen. Idwal Hubert Edwards, commandant, Air University, with rank of lieutenant general, with date of rank from October 1, 1947.

Lt. Gen. Earle Everard Partridge, commanding general, Air Research and Development Command, with rank of lieutenant general, with date of rank from April 11, 1951.

Lt. Gen. Otto Paul Weyland, to be commanding general, Far East Air Forces, with rank of lieutenant general, with date of rank from April 11, 1951.

Lt. Gen. Edwin William Rawlings, commanding general, Air Matériel Command with rank of lieutenant general, with date of rank from October 1, 1947.

Lt. Gen. Benjamin Wiley Chidlaw, commanding general, Air Defense Command, with rank of lieutenant general, with date of rank from October 1, 1947.

UNITED STATES AIR FORCE

Maj. Gen. Thomas Dresser White to be Deputy Chief of Staff, Operations, United States Air Force, with rank of lieutenant general, with date of rank from date of appointment.

Maj. Gen. Orval Ray Cook to be Deputy Chief of Staff, Matériel, United States Air Force, with rank of lieutenant general, with date of rank from date of appointment.

Maj. Gen. Charles Bertoddy Stone III to be Deputy Chief of Staff, Comptroller, United States Air Force, with rank of lieutenant general, with date of rank from date of appointment.

Lt. Gen. Kenneth Bonner Wolfe to be placed on the retired list in the grade of lieutenant general.

The following-named officers for temporary appointment in the Air Force of the United States under the provisions of section 515, Officer Personnel Act of 1947:

To be major generals

Brig. Gen. Thomas Herbert Chapman.
Brig. Gen. William Maurice Morgan.
Brig. Gen. Raymond Coleman Maude.
Brig. Gen. Joseph Vincent DePaul Dillon.
Brig. Gen. John Halliday McCormick.
Brig. Gen. Frederick Rodgers Dent, Jr.
Brig. Gen. Julius Kahn Lacey.
Brig. Gen. William Dole Eckert.

To be brigadier generals

Col. Earl Maxwell.
Col. Wilfrid Henry Hardy.
Col Walter Williams Wise, Jr.
Col. Joseph Cyril Augustin Denniston.
Col. Elmer Blair Garland.
Col. Matthew Kemp Deichelmann.
Col. William Tell Hefley.
Col. Donald Bertrand Smith.
Col. Ernest Keeling Warburton.
Col. Thomas Ludwell Bryan, Jr.
Col. Daniel Campbell Doubleday.
Col. George Elston Price.
Col. Floyd Bernard Wood.
Col. Wiley Duncan Ganey.
Col. Gordon Aylesworth Blake.
Col. Henry Keppler Mooney.
Col. Lee Bird Washbourne.
Col. John Raymond Gilchrist.
Col. Clinton Dermott Vincent.
Col. Lloyd Pauahi Hopwood.
Col. William Milton Gross.

The following-named persons for appointment in the United States Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be captains (Medical)

Roy B. Coffey, AO1907121.
Richard W. Eells, AO1906980.
Donald M. Haskins, AO970761.
George J. Murphy, AO1785416.
Guy L. Rutledge, Jr., AO978166.
Fred S. Schwarz, O1718796.
Craig R. Sigman, AO1767264.
Robert W. Youngblood, Jr., AO976505.

To be first lieutenants (Medical)

Robert H. Adams, AO751227.
George R. Anderson, AO972996.
McAlpin H. Arnold, 494016USNR.
Harry R. Claypool, AO976683.
Robert T. P. de Treville.
Walter W. Dewey, AO409642.
Charles W. Does, AO1906345.
Alonzo M. Donnell, Jr., AO828108.
Louis A. Fraysse III, AO786265.
Benjamin W. Gilliotte, AO668929.
Raphael S. Good, AO1906947.
John E. Graf, O828158.
William K. Graves, AO965834.
R. D. Gregory, Jr., AO756548.
James P. Hensen, AO1906346.
Alvin S. Natanson, AO2213194.
Bertram L. Pear, O854441.
Chester R. F. Poole, AO976327.
George E. Reynolds, AO392893.
Gerard B. Schroering, Jr., AO2212418.
Bland H. Schwarting, AO720729.
Franklyn C. Spiro, O670279.
Thomas P. Talley, O403948.
Andrew L. Tucker, AO2212968.
Allen S. Weed, AO972600.
Gregory J. Zann, O2201309.

To be first lieutenants, United States Air Force (Dental)

William E. Ayres, AO424878.
Edward E. Dickson, AO1906241.
Barnes R. Kendrick, AO969607.
Ray E. Parsons, AO566385.
Hubert W. Woodward, AO1906204.

Subject to physical qualification and subject to designation as distinguished military graduates, the following-named distinguished military students of the Senior Division, Reserve Officers' Training Corps, for appointment in the United States Air Force, with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

Wilbur O. Aikin, Jr.	Jesse A. Key
Burt S. Bailey	Robert H. Krumpe
James E. Banks	Wilbur S. Light
Wendall C. Bauman	John W. Lloyd
Cecil L. Brewer	Eugene L. Main
Murray L. Brockman, Jr.	George W. Mallick
	Frank S. McCracken
John A. Brown, Jr.	Richard H. McFarland
George M. Browning, Jr.	James F. Patton
	James L. Quinn
Richard P. Cline	John T. Schiffer
Jack P. Davey, Jr.	Russell E. Schmitt
Edgar L. Drain, AO1856295	Stanley G. Southworth, Jr.
Arthur A. Fagen, Jr.	Herbert R. Swing, Jr.
Harry E. George, Jr.	Richard R. Tumlinson
Elmer H. Green, Jr.	William A. Warner
Charles R. Hoffman, Jr.	

The following-named graduate, United States Naval Academy, class of 1951, for appointment in the United States Air Force with date of rank to be determined by the Secretary of the Air Force:

To be second lieutenant

Melto Goumas, AO2239112.

The following-named persons for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be major (Medical)

Jules B. Chapman, AO381449.

To be captains (Medical)

John F. Gaines.
Willard H. Pennell, AO2213393.
Charles H. Wirth, AO965874.

To be chaplain (Dental)

Carroll C. Gillespie, Jr., O1776110.

To be first lieutenants (Medical)

Felix J. Bescoby, AO977489.
Sam F. Crabtree, AO422268.
William H. Holloway, AO974274.

To be first lieutenants (Dental)

Harold L. Armstrong, AO874163.
Olaf W. Eklund, AO727975.
Roy S. Turk, AO793464.

The following-named persons for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenants

James B. Adams, O962776.
William H. Anthony, AO705093.
John B. Barnard, Jr., AO2071300.
Robert C. Bates, AO2062959.
James T. Bryan, AO665897.
James T. Bullard, AO701556.
Dwight L. Carhart, O1317069.
William C. Collins, AO870378.
Willie L. Cooper, Jr., AO1846670.
Norman A. Faulkner, AO809342.
Donald L. Fink, AO1856956.
Sigmund I. Gasiewicz, AO856025.
Joseph E. Hearn, AO803381.
Carroll W. Kelley, AO854635.
Charles E. Kelly, AO791940.
James W. Logan, AO681685.
Daniel C. Mahoney, AO414644.
Wesley C. Marsh, Jr., AO775450.
Melvin L. Ouder, AO2064720.
Benoni O. Reynolds, AO860326.
Julius E. Slover, AO1645377.
John E. Stephens, AO2067901.
Harold R. Vague, AO682381.
Edward R. Wienecke, AO2087096.
William E. Young, AO2079192.

The following-named distinguished aviation cadets for appointment in the United States Air Force in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

Robert D. Barnes
Robert E. Burkhart
Thomas E. Dyer
William E. Powers
Myron E. Stouffer, Jr.

Appointment in the United States Air Force with dates of rank to be determined by the Secretary of the Air Force:

To be second lieutenants

Charles L. Hunt
George M. Maxwell

The following-named graduate, United States Naval Academy, for appointment in the United States Air Force with date of rank to be determined by the Secretary of the Air Force:

To be second lieutenant

Gerald B. Connor, AO2239495.

The following-named officers for promotion in the United States Air Force. Those officers whose names are preceded by the symbol × have been examined and found physically qualified for promotion:

To be colonels

Cronau, Robert Theodore, 685A.
×Voeller, Charles Henry, 805A.
Browning, William Webb, 18103A.
Elkins, Marshall Allen, 952A.

×Jacobsen, Earl Harold, 966A.
McCormack, James, Jr., 17981A.
Jung, Charles Elmer, 1037A.
Black, Richard Thomas, 1192A.
Barrett, Wallace Conrad, 1245A.
×Tally, Emmett Murchison, Jr., 1312A.
×Ocamb, Lawrence Bruin, 1315A.
Gunn, James Alexander 3d, 1318A.
Donohew, Jack Norman, 1319A.
Stevenson, John Dudley, 1320A.
Ohman, Nils Olof, 1321A.
Robbins, Asher Burtis, Jr., 1324A.
Snouffer, William Noel, 1326A.
×Klocko, Richard Phillip, 1327A.
Batjer, John Francis, 1328A.
×Wade, Kenneth Sayre, 1329A.
Griffin, Robert William, 1331A.
×Barden, Richard Risley, 1332A.
Russell, Edwin Allen, Jr., 1333A.
Fellows, Richard William, 1334A.
Holloway, Bruce Keener, 1336A.
Preston, Maurice Arthur, 1337A.
McElroy, Ivan Wilson, 1338A.
Clark, Alan Doane, 1340A.
Herman, Robert Hensey, 1341A.
Hall, Linscott Aldin, 1342A.
Agee, Sam Wilkerson, 1346A.
Taylor, Robert, 3d, 1347A.
×Shields, John Thomas, 1348A.
Low, Curtis Raymond, 1349A.
Broadhurst, Edwin Borden, 1350A.
Westover, Charles Bainbridge, 1351A.
Gurney, Samuel Charles, Jr., 1352A.
Dorney, Harvey Charles, 1353A.
×Scheidecker, Paul William, 1354A.
Harrison, Charles Junious, 1355A.
×McDonald, William Emmett, 1356A.
×Ulricson, John Russell, 1357A.
Hipps, William Grover, 1358A.
Gray, Marshall Randolph, 1360A.
Sanborn, Kenneth Oliver, 1363A.
Stark, Charles William, 1366A.
×Magoffin, Morton David, 1367A.
Posey, James Theo, 1369A.
Smith, Willard Wright, 1374A.
Ewbank, John Nelson, Jr., 1381A.
Gibbs, Jack Alban, 1384A.

MEDICAL

To be colonels

Lentz, Emmert Carl, 19079A.
Lane, Frank Hugh, 19080A.
×Jensen, Marshall Nelson, 19081A.
Schindler, John Andrew, 19082A.
Brownton, Sheldon Seymour, 19083A.
Reeder, Oscar Samuel, 19085A.
Pohl, Louis Keller, 19093A.
Strickland, Benjamin A., Jr., 19097A.
Bedwell, Theodore Cleveland, Jr., 19101A.
Cook, William Ferrall, 19117A.

To be colonels, dental

Hampson, John Castle, 18834A.
Tvrdy, Henry Joseph, 18838A.
Craig, Charles William George, 18841A.
Johnson, Robert Donald, 18851A.
Reuter, Walter John, 18857A.

To be colonel, veterinary

Kester, Wayne Otho, 18976A.

To be colonel, medical service

Buel, Jack, 19377A.

To be colonels, chaplains

Davidson, James Robert, Jr., 18692A.
Poch, Martin Carl, 19552A.
Propst, Cecil Loy, 18702A.

DEPARTMENT OF THE NAVY

Dan A. Kimball, of California, to be Secretary of the Navy.

Rear Adm. Calvin M. Bolster, United States Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years.

The following-named line officers for temporary appointment to the grade indicated, subject to qualifications therefor as provided by law:

To be rear admirals

Ralph Earle, Jr.
Neil K. Dietrich
Frederick Moosbrugger
Burton Davis
Alvin D. Chandler
Irving T. Duke
Truman J. Hedding
Chester C. Wood
Clarence E. Ekstrom
Rufus E. Rose
Charles W. Wilkins
Robert L. Campbell, Jr.
Ralph E. Wilson
Elmer E. Yeomans
Wallace M. Beakley
Ephriam R. McLean, Jr.
Richard F. Stout

The following-named (Naval Reserve Officers' Training Corps) for appointment to the grade indicated:

To be ensigns

James R. Bachtold
Richard L. Bailey
Earl E. Bethke, Jr.
Walter D. Burch
Thomas J. Collins
John T. Cooper
Roland L. Cooper
William C. Dewey
Richard J. Edris
Chester C. Edwards
William L. French
Donald R. Holman
Robert C. Irwin
Rockne H. Johnson
Charles C. Keathley
Richard F. Kilburg
Robert B. McCoy
Thomas S. Mitchell
David R. Morton
Thomas R. Overdorf
Duane E. Peak
Carl R. Pendell
Thomas J. Powers
Richard F. Rockwell
Eugene P. Schwartz
John W. Simmons III
Harold A. Steen
Travis L. Story, Jr.
Homer B. Teafatiller
Richard H. Wilcox
Thomas H. Willings, Jr.

To be ensign in the Navy in lieu of ensign in the Navy, as previously nominated and confirmed, to correct name

Richard M. Stafford (Naval Reserve Officers' Training Corps).

To be second lieutenant in the Marine Corps

Frederick N. Larivee, Jr.

The following-named (civilian college graduates) to the grade indicated in the Medical Corps of the Navy:

To be lieutenants (junior grade)

Howard Adler
John P. Anderson
Leo J. Corazza
Ernest Gosline
Clifford E. Keeler
William G. Mask
Charles H. Miller
James E. Odell
Jed Paul
Richard C. Smith
Melvin B. Sullivan, Jr.
Ned H. Wiebenga

To be lieutenant commander, Medical Corps, for temporary appointment

James R. McShane

To be lieutenant, Medical Corps, for permanent appointment

James R. McShane

To be ensign

William C. Bagot (Naval Reserve Officers' Training Corps).

To be ensigns, Medical Corps

Kenneth N. Anderson
Richard S. Jonas
Maurice Leenay

To be ensigns

Barbara A. Garrett
Helen L. Larson

To be lieutenants (junior grade), Medical Corps

James C. Larkin, Jr.
William R. Ploss

To be lieutenants (junior grade), Dental Corps

Howard H. Morman
Paul H. Ohlson
Edwin F. Weaver III

To be ensigns in the Nurse Corps

Annette K. Dingman
Nancy A. Hamlen

To be lieutenants, Dental Corps

Frank M. Ball, Jr.
Frank N. Ellis
Wade H. Hagerman, Jr.
Edwin M. Sherwood

To be lieutenants (junior grade)

Andrew J. Bartosh
Richard A. Fogg
Louis T. Foley
Loren V. Hickey
Carl E. Housekeeper
Neal A. Sprague
Andrew Wyda

To be ensign

Dorothea J. Meadows

To be ensigns, Nurse Corps

Barbara E. Brookfield
Ruth M. Carmichael
Mary A. Conley
Dorothy M. Connell
Delphine DeMarco
Florence S. Hass
Laura J. Little
Winifred MacElrée
Mary W. Nesbit
Elizabeth J. Rhinard
Berta M. Saavedra
Eleanor M. Salow
Ethel V. I. Satterlund
Marilyn A. Sorenson
Golda R. Spencer
Dolores L. Stahr
Myrtle E. Urban
Nancy M. Van Atta
Patricia J. VanCleave
Mildred E. Woodruff

To be lieutenants

Mary E. Asher
Dorothy C. Becker
Miriam E. Bittle

To be lieutenants (junior grade)

Helen V. Chase
Sue E. Smoker

IN THE MARINE CORPS

To be major general

Henry D. Linscott

To be brigadier general

John C. McQueen

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 27, 1951

The House met at 11 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou who art always exhorting us to cultivate and rise to a finer appreciation of the worth and dignity of life, we pray that our minds and hearts may now be stirred with nobler sense of our duties and responsibilities.

Grant that our chosen representatives may manifest, in their deliberations and decisions and in the conduct of the affairs of Government, the moral and spiritual mettle of their character as loyal and God-fearing citizens.

May we never be afraid to stand courageously for everything that is just and right when others are fawning and cringing for power or fame.

Give us the glory and strength of carrying on with the confidence and conviction that we are on the Lord's side and that His righteous ways will prevail.

Hear us in Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL EXPLANATION

Mr. RADWAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RADWAN. Mr. Speaker, due to illness in my family, I was unable to attend the session on Friday, July 20. Although my position on the various roll calls was stated in many instances, nevertheless, a pair was not available to me in certain cases. Also, in one instance, roll call No. 119, I was incorrectly paired.

If I had been present and able to vote, I would have voted as follows:

Roll No. 118, on amendment to bar until June 30, 1953, imports of fats, oils, dairy products, peanuts, and rice: My vote on this would have been "nay."

Roll No. 119, on amendment to set up United States agency as claimant for all construction and supply needs of State and local governments: My vote on this would have been "yea."

Roll No. 120, on amendment to bar livestock-slaughter quotas: My vote on this would have been "nay."

Roll No. 121, on authorizing new equipment in Government-owned plants and of United States-owned equipment in private plants: My vote on this would have been "yea."

Roll No. 122, on eliminating authority to create new United States corporations by Executive order: My vote on this would have been "yea."

Roll No. 123, on prohibiting roll-backs of more than 10 percent below May 19, 1951, and prices of agriculture commodities: My vote on this would have been "nay."

Roll No. 124, on prohibiting ceilings that would not permit all segments of livestock industry to make fair profit: My vote on this would have been "nay."

Roll No. 125, on directing a 4-month price freeze at July 7, 1951, levels: My vote on this would have been "nay."

Roll No. 126, on authorizing a formula to set price ceilings so as to insure reasonable profits: My vote on this would have been "nay."

Roll No. 127, on exempting strategic metals and minerals from ceilings when in short supply: My vote on this would have been "nay."

Roll No. 128, on eliminating Government authority to license and suspend business licenses: My vote on this would have been "yea."

Roll No. 129, on eliminating authority to control commodity speculation: My vote on this would have been "nay."

Roll No. 130, on recommittal of controls bill: My vote on this would have been "nay."

Roll No. 131, on final passage of the bill: My vote on this would have been "yea."

SPECIAL ORDER GRANTED

Mr. HUNTER asked and was given permission to address the House on Monday next for 15 minutes, at the conclusion of the legislative program of the day and following any special orders heretofore entered.

TERMINATING THE STATE OF WAR BETWEEN THE UNITED STATES AND THE GOVERNMENT OF GERMANY

Mr. SABATH. Mr. Speaker, I call up House Resolution 356 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H. J. Res. 289) to terminate the state of war between the United States and the Government of Germany. That after general debate which shall be confined to the joint resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. RANKIN. Mr. Speaker, I make the point of order that a quorum is not present. This is a very important measure, and the Members ought to be here to hear it discussed.

The SPEAKER. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Arends	Ellsworth	Murray, Wis.
Armstrong	Gamble	Norblad
Blatnik	Gavin	Murray, Tenn.
Boggs, La.	Gillette	Norrell
Breen	Gore	O'Brien, Mich.
Brehm	Gwinn	Perkins
Brooks	Hall,	Poulson
Brownson	Edwin Arthur	Powell
Busbey	Halleck	Preston
Camp	Hart	Saylor
Cannon	Herlong	Scott,
Chatham	Hoffman, Ill.	Hugh D., Jr.
Coudert	Irving	Smith, Kans.
Cox	Kelley, Pa.	Spence
Curtis, Mo.	Kennedy	Staggers
Dawson	Kersten, Wis.	Stockman
Denton	Kilburn	Taber
Dingell	Latham	Van Pelt
Dondero	McCarthy	Wharton
Donovan	McDonough	Woodruff
Dorn	Miller, N. Y.	Zablocki
Durham	Morton	

The SPEAKER. On this roll call 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TERMINATING THE STATE OF WAR BETWEEN THE UNITED STATES AND THE GOVERNMENT OF GERMANY

Mr. SABATH. Mr. Speaker, the resolution just read before the call of the House (H. Res. 356) provides for the termination of the state of war with Germany.

I hope it will never again be necessary for the United States to terminate a war with Germany, but I have my serious doubts that the Germany we are now assisting in rebuilding, in view of the upsurge of nazism now prevalent in that country, will be found supporting our cause if and when world war III should come.

World War II, with its atrocities committed by Hitler and his Nazi murderers at Buchenwald, Belsen, Dachau, Auschwitz, and other horror camps, seem to have been forgotten by many today. But they are more than memories to millions of people throughout the world who suffered the fury of the Hitler scourge, and most of the real guilty ones have gone unpunished. An effort is being made to create the impression that the Germany of today will not be permitted to utilize the great German war plants to manufacture the instruments of death and destruction as in the past. Unfortunately the opposite is the case, for after these few short years the remnants of the Nazi plunderbund are again in the saddle, and they have not only been permitted but have been aided in rebuilding their giant plants, which are primarily designed for the production of instruments of war.

Newspaper columns of today carry an account of the arrival in this country of German industry chiefs looking for arms work. They are discussing arrangements under which German factories will supply war materials to the United States Armed Forces. This German mission arrived July 16 and has been extremely busy in Washington and New York. Their appearance here followed soon after the official visit of Ludwig Erhard, German Minister of Economics, who laid the groundwork for the mission. They claimed German industry needed glycerin to manufacture explosives for mining Ruhr coal, as well as copper, lead, zinc, and ferro-alloys.

We are reminded of the old adage "beware of Greeks bearing gifts" in their offer of assistance in the defense effort, just as they pleaded for helium gas for their zeppelins prior to World War I, then turned and used it against us in that war.

These shrewd Nazi operators, under the pretense of aiding in the production of defense material, are in fact requesting further aid so they can compete with our industries at the moment, but underneath lies their purpose in rebuilding and revitalizing their war machine.

While we propose to terminate the state of war with Germany by this resolution, we have not, as yet, been able to effect a treaty of peace. We are obliged to continue the expenditure of billions upon billions for defense as a result of the campaign for world domination by Germany's Hitler, and now Stalin, which also cost us some three hundred billions in addition to many thousands of dead and wounded and untold misery and destruction throughout the world.

I have no objection to the aid we are extending to Germany today for the rehabilitation of her civilian needs. The belief is held in some quarters that in return for this aid Germany will cooperate with us in the fight against communism. I, for one, feel very strongly that nazism is just as great a menace to world peace and to our democratic institutions, if not more so, than communism, and I loathe them both. In forging our campaign against communism we dare not lose sight of the fact that an equal or greater danger exists in not stamping out, once and for all, every shred of nazism and fascism that dares again rear its ugly head in Germany or any other nation we are now befriending.

For weeks and months we have been reading reports from our own representatives in Europe that Nazi leaders are again organizing the youth of Germany, indoctrinating these future citizens with

the despotic Nazi creed of "Germany über alles." Some of the elections held in Germany in recent months show the alarming growth of the Nazi forces again. At times it would seem that we are adopting the policy of punishing our friends and rewarding our enemies. We even find some gentlemen who feel we should be pinning medals on the humanitarian (?) Nazis.

And while we now propose to bring to an end the official state of war, no move has been made to put an end to the revival of the vicious German cartels working in conjunction with the giant selfish corporations in our country, as well as with the greedy and ruthless industrial monopolies in other lands. Through their vicious system of absolute monopoly of vital commodities, they extort untold billions each year from America and the American people, as well as from the working classes throughout the world, as a Senate investigation disclosed a few years ago. Thomas L. Stokes, in a recent article in the Washington Star, called attention to the danger in preserving the German cartels. I insert his article at this point in my remarks:

KRUPP FREE FOR BUSINESS AS USUAL—DANGER NOTED IN PRESERVING GERMAN CARTELS WHILE TRYING TO MEET THREAT FROM EAST

It was perhaps with misgivings that the average American read that Alfred Krupp had walked out of prison in Germany last week end and that part of the munitions empire to which he is heir is to be restored to him and his family.

The rest of his 12-year sentence imposed by the now almost forgotten Nuremberg war guilt trials was commuted by the United States High Commissioner, John J. McCloy, after review of the Nuremberg sentences, as were those of other Krupp officials.

The name Krupp is associated for all of us with the Nazi war machine of Adolf Hitler and the unsavory Nazi regime with which Krupp was so closely linked, and with that complicated skein of great industrial and financial cartels which plotted the conquest of the world of which Krupp was an integral part.

OTHER CASES ARE CITED

You may learn from Mr. McCloy's decision that he rescinded confiscation of the Krupp munitions trust ordered by the Nuremberg court on the ground that no such confiscation had been decreed at Nuremberg in the case of any other of the component industrial combines in the Nazi conspiracy. It gets off because the others did, which may be legalistic logic, even if justice has been flouted all along the line.

How much of his munitions empire Alfred Krupp will retain is now the subject of determination under Allied Law 27, so-called, providing for deconcentration of potential war industry in Germany. A decision is expected soon. It is being pushed since the Schumann plan for pooling Western Europe's steel and coal cannot be put into effect until the new ownership set-up of basic industries is fixed.

All of this serves to remind us that, 5 years afterward, we still have not accomplished one of our chief war aims. This was to break up the great German cartels and put them into smaller units with more diversified ownership on a more democratic basis of free enterprise. The object is to keep them from ever gaining control of the German Government again, which they did, and from reaching out, as they also did, in a web of arrangements with industry all over Europe and elsewhere, affecting patents, prices, and division of markets. In this way, they restricted production of strategic war materials and thus impeded defense programs of their future foes, including us.

EARLIER TRICKS RECALLED

Krupp, itself, is an example of this, one of many previously detailed here. During World War I our Alien Property Custodian appropriated two Krupp patents for stainless steel and sold them to the Chemical Foundation which licensed them to American companies. But, after the war, two Krupp patent applications for stainless steel before our Patent Office were approved. Krupp thereupon informed all American companies that the licenses under the Chemical Foundation were worthless, because they infringed Krupp's new patents. The American companies gave in to avoid prolonged litigation.

Thereafter, in 1928, Krupp organized Krupp-Nirosta Corp. of Delaware, a patent holding and licensing company. Through this it was not only able to restrict stainless-steel production in this country but also get information about all sorts of military production that was sent back to Germany—a very effective spy system. That was done also by other German industrial cartels with contracts in this country.

The story also has been told repeatedly of how our program to break up the cartels since the war has been thwarted and how the old Nazi industrial and financial cartelists are slipping back into power. This, it has been shown, was due partly to the fact that the top level of our officials in charge was infiltrated by representatives of big American financial and industrial interests, which themselves had had connections with German cartels before the war and consequently had little heart in the project.

NEW DRIVE UNDER WAY

A new drive to speed up and finish the job is under way now as the result of an investigation in Germany several months ago by a special commission appointed by President Truman which found that the task was not being properly or earnestly prosecuted.

Alfred Krupp's release dramatizes all of that. It is easy to forget our World War II aims in the face of the current threat from another totalitarian regime—Soviet Russia—which reaches out its tentacles, too, for the same purposes as the Naxis. But it would seem wise to keep our eyes still on that other menace also, or Krupp and the rest will be back in the saddle once again, and this time, it is possible, at the service of our Soviet enemy. In the past they have never showed any nice discrimination in the pursuit of "business as usual."

I strongly urge that, in addition to terminating the state of war with Germany, we also take immediate steps to obliterate forever these dangerous combinations and cartels which have been and will be found again to be the fomenters of wars. If this is not done, the peace we all so earnestly seek will never become a reality.

Mr. SABATH. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Speaker, I am in favor of the resolution to declare the war in Germany at an end. I introduced such a resolution 6 years ago for both Germany and Japan. I regret that it was not taken up at that time. I think this country is the twentieth country now that is declaring the war at an end as far as Germany is concerned.

I am a little confused and a little disturbed, however, to find on page 10 of the report on the resolution ending the war between the United States and Germany that in the occupation statute of the allied governments there are certain provisions that make the declaring of the war's end a rather hollow thing. In other words, when you are going to have peace, as far as I am concerned, I feel that there should be restored to the country some of the rights they had previous to the war. Refer to page 10 and you will find that the allied governments, and that means generally the United States because we are taking the lead in this thing, with France and Great Britain, do this: They say that during the period the occupation of this country is going to continue there will be a certain amount of disarmament and demilitarization controls. There is control over foreign affairs, including international agreements. There is control in respect to the basic law. They keep their control over foreign trade and exchange. There is quite a group of those things listed, which to me does not give Germany an equal place in the family of nations.

When an army of occupation goes into a conquered country you will find that the popularity of the country that is doing the occupying is in reverse ratio to the time their forces are in that country. In my judgment, no army of occupation can go into another country and control that country by occupation and under conditions set forth in this resolution and gain any respect or friends by such occupation and regulation. That was demonstrated in the Civil War in the southern cities which were occupied for 8 or 10 years after the war was over. The hatred in some of the southern cities for us northerners still exists. That is only a minor example of what occurs.

I feel that we must terminate the war, and I tried to do it with a resolution 6 years ago for Japan and Germany, but I am disturbed as to how long these limitations will continue. I hope the gentleman from South Carolina [Mr. RICHARDS] or the gentleman from Ohio [Mr. VORYS], of the Committee on Foreign Affairs, will tell me how long these limitations upon Germany are going to continue. I ask them to do this in their own time, tell us how long these limitations listed on pages 10 and 11 of the committee report are going to exist so far as the peace treaty is concerned. If they are going to be over any long period of time, then I say you are not having a real peace with Germany nor are the German people again put on the same level with the rest of the world. We will be looking down upon them as a class of people and we are still holding a club over their heads, saying to them, "You do certain things. You are limited in what you can do." I doubt if you can get a very firm peace or one which will bring any lasting results to the United States by that method.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Mississippi.

Mr. RANKIN. I agree with the gentleman from Nebraska. I have introduced a resolution to declare the war with Germany at an end, following exactly the example we followed in 1921 in declaring the First World War at an end. Why put on these reservations?

The gentleman from Illinois [Mr. SABATH] talked about war with Germany. If we have a war, it is going to be with communism, and we are going to need the German people on our side.

Mr. MILLER of Nebraska. I might say that Germany could make no change in their basic law without coming to the occupying countries and saying, "Please—please, can we make this change?" That, I say to you is not a real true peace, because we are looking down upon that class and group of people.

Mr. RANKIN. Then if the joint resolution is amended by striking out the proviso starting on line 7 of page 1, which imposes all these conditions, then we would be sure to restore peace between America and Germany. We would be doing just what we did after the First World War.

The SPEAKER. The time of the gentleman from Nebraska has expired.

CONSOLIDATION OF VETERANS' ACTIVITIES IN NEW ENGLAND

Mrs. ROGERS of Massachusetts. Mr. Speaker, the following is self-explanatory. Why is New England discriminated against? It is an outrageous thing to do to us, and I believe not a penny will be saved. I am asking for a reconsideration of the plan.

VETERANS' ADMINISTRATION,
Washington, D. C., July 26, 1951.

Hon. EDITH NOURSE ROGERS,
United States House of Representatives,
Washington, D. C.

DEAR MRS. ROGERS: The attached policy statement outlines a decision to combine Veterans' Administration district offices. This will affect activities in most of the States on the east coast.

As this decision is of concern to veterans in your State, we believe you will be interested in reading the details of the consolidation.

Sincerely yours,

O. W. CLARK,
Deputy Administrator.

VETERANS' ADMINISTRATION,
INFORMATION SERVICE,
Washington, D. C., July 26, 1951.

Veterans' Administrator Carl R. Gray, Jr., today announced plans to consolidate Veterans' Administration insurance and death-claims activities for most of the east coast in a single VA district office in Philadelphia.

The move, which will merge four VA district offices into one, will result in an estimated savings of nearly $2,000,000 a year, in salaries, rents, and other expenses, Mr. Gray said.

Service to veterans and their families will in no way be affected by the consolidation, he pointed out. Since most veterans pay GI insurance premiums by mail, the new district office will continue to be as near as the corner mailbox. And those few who pay their premiums in person will continue to make payments, in the usual manner, at their local VA office.

VA district offices which are to be abolished and have their functions transferred to Philadelphia are located in Boston, New York, and Richmond.

The Boston office has been handling insurance and death claims for all of New England. The New York office has had jurisdiction over New York State and Puerto Rico. And the Richmond office was charged with North Carolina, Virginia, West Virginia, Maryland, and the District of Columbia.

The current area of jurisdiction of the Philadelphia district office is Pennsylvania, Delaware, and New Jersey.

As a first step in the consolidation the VA is acquiring the entire Atwater Kent Building at 5000 Wissahickon Avenue, in Philadelphia, to house the expanded district office.

VA already has been using 500,000 of the building's 723,000 square feet for its present district office there. The remaining 223,000 square feet have been in use by the United States Census Bureau, which is moving out, enabling VA to take over the added space.

Mr. Gray said that the move will start as soon as detailed plans can be completed, and new personnel to replace those who will not accept transfer can be trained. It is estimated the start will be made within 6 months and the office operating within 18 months.

The large-scale transfer, involving shipment of records of more than 1,000,000 active insurance accounts in addition to numerous other records, will be conducted on a piecemeal basis rather than all at once. In this way, Mr. Gray said, the Philadelphia office will be able to absorb the extra load without impairing service to veterans or their dependents.

The steps of the move are now being worked out in complete detail to prevent any delays in service.

The consolidation will present no problem at all to the veterans who pay their GI insurance premiums in VA self-addressed envelopes which they receive for that purpose. After the consolidated Philadelphia office is in business the envelopes simply will contain the new address. Others are urged not to write to the new office until they are certain that the transfer of records has been completed.

The savings resulting from the abolishment of the New York district office alone have been estimated at $1,000,000 a year. The figure includes about $478,000 in salaries; $488,000 in rent and maintenance, and the remainder in other items such as communications and tabulating activities.

For Boston, the saving will be about $517,000 a year, including $350,000 in salaries, $150,000 in rent and the remainder in other items. And in Richmond, VA expects to save $290,000 a year, mainly in salaries. The Richmond district office pays no rent, since it is located in the McGuire VA hospital in that city.

The three offices to be eliminated now have a total force of 3,090 employees. Of these, 1,465 are in New York; 867 in Boston, and 758 in Richmond. Because of economies which will be made possible after the new office, starts functioning, the number of employees needed in Philadelphia will be 2,798, a saving of 292.

Those now employed in the three district offices will be given the opportunity to move to Philadelphia to work in the new office. Any vacancies created by VA employees not desiring to transfer will be filled locally.

Mr. ALLEN of Illinois. Mr. Speaker, I know of no one opposed to this resolution on this side and I have no requests for time.

Mr. Speaker, I yield back the balance of my time.

Mr. SABATH. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to

Mr. RICHARDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H. J. Res. 289) to terminate the state of war between the United States and the Government of Germany.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina [Mr. RICHARDS].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 289, with Mr. SIKES in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. RICHARDS] will be recognized for 30 minutes and the gentleman from New Jersey [Mr. EATON] for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. RICHARDS].

Mr. RICHARDS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this resolution originated from a recommendation of the President on July 9. The purpose of the resolution is simple and straightforward—to terminate the legal state of war with Germany which has existed since December 11, 1941. The only change made by the committee in the proposal by the President had to do with the effective date of the resolution. Your committee felt it was not necessary to tie the effective date to a proclamation by the President after the passage of this resolution because the President, upon his approval of the resolution by his signature thereon, would thereby give effect to the terms of the resolution. Naturally the President will issue a proclamation when he approves this resolution. The resolution authorizes this customary practice, which we are informed he intends to follow in this case.

With this resolution before them for consideration Members have a proper right to ask "Why?." We can consider this matter by asking and answering these questions:

First. Why do we want to terminate the state of war with Germany?

Second. Is it proper for the Congress to terminate a state of war?

Third. If we terminate the state of war, how does it affect the rights of the United States?

The progress of United States policy toward Germany has outrun the legal state of affairs in our relations with that country. As long as a technical state of war exists, Germany is legally still an enemy country. United States policy has for some time sought to create a new government representative of the German people, willing to assume its responsibilities as a member of the world community, and anxious to join its free neighbors in maintaining the peace of Europe. We are realizing this policy in Germany. The present German Federal Republic, approximately two-thirds of

the area of prewar Germany and three-fourths of the German people, are free of Soviet control. The Government of the Federal Republic rests on a democratic constitution worked out by the people themselves and approved by the Allied occupying powers in Western Germany. This German Government has demonstrated a sense of responsibility and a readiness to move steadily toward the kind of free nation that we approve and desire to see in the world.

The occupying powers have kept their word by relaxing occupation controls and increasing the scope of German governmental responsibility where conditions warrant. In the words of the President:

> The relationship of conqueror and conquered is being replaced by the relationship of equality which we expect to find among free men everywhere.

It has long been evident that Germany is an important key to the success of policy in Europe. It is equally evident that free nations of the Western world need a democratic Germany. If we want Germany on the side of the free world, we cannot continue in good faith to insist that she is an enemy at the same time we encourage her to join us.

In addition to reasons of high policy, there are some practical reasons why we want to terminate the state of war. At the present time Germans traveling or doing business in this country are subject to certain disabilities because they are enemies. No useful purpose is served in continuing this situation. Commercial intercourse should not be hampered by these technicalities.

If we were the first nation to terminate the state of war with Germany, there be some question. This is not the case. Twenty-two countries, including Britain and France, the other allied occupying powers in Western Germany, have now ended the state of war.

Last fall, the United States, France, and Britain agreed that at the first opportunity each of them would take this action, and they announced this intention to the world.

The reason the 22 powers already have done it and the United States has not done it is because of our constitutional procedure. Great Britain, France, and a great many other nations took action by proclamation or decree, or by whatever action their constitutional procedures provided. The President felt, and properly so, I think, that the Congress of the United States having declared war against Germany, it should also terminate it.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield to the gentleman from Nebraska.

Mr. STEFAN. What is the precedent on the proclamation coming first and the resolution afterward?

Mr. RICHARDS. That question was raised a little while ago. As a matter of fact, the precedents hold that you can end the war by resolution, by proclamation, or by treaty of peace.

Mr. STEFAN. Has it been done this way before?

Mr. RICHARDS. That is correct. It has been done.

Mr. STEFAN. Have we done it before?

Mr. RICHARDS. Yes. The War Between the States was ended by proclamation and the courts and the Congress recognized the date of the proclamations—there were two—as being the effective date. The First World War was ended by a joint resolution, then a treaty, and then by a proclamation that proclaimed the treaty and declared the earlier resolution to be the effective termination date. The Revolutionary War, the War of 1812, and the Mexican War were all ended by treaty of peace. The precedents are ample, as the gentleman will see upon reading the report. The method depends on the particular situation at the time the question arises. Let us consider, for instance, the case of Japan. The gentleman from Mississippi [Mr. RANKIN] has introduced a resolution to end the state of war with both Japan and Germany. The problems involved in terminating the war with Japan are different from those in this resolution. The difference is this: In Germany our status is one of an occupying power by right of conquest. We have two other friendly occupying powers there. We have a fourth occupying power—the Soviet Union—that occupies East Germany and is arrayed against us in this whole thing. Because of the reparations question and a great many other questions that have not been settled between the occupying powers, we do not have a suitable basis from which to work out a treaty of peace.

In view of that situation, it was felt by the authorities that since we could not at this time get a suitable peace settlement which would end the state of war and determine the basis of our future relations with Germany, the best thing to do is to end the state of war with Germany by unilateral declaration.

The situation in Japan is entirely different. There, a government was in charge from the beginning. When we went into Germany as an occupying power there was no government. There is a government now, existing by grant of authority from the occupying powers.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. RICHARDS. Mr. Chairman, I yield myself five additional minutes.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield to the gentleman from Mississippi.

Mr. RANKIN. I call the attention of the gentleman to the fact that the resolution declaring the war at an end in 1921 preceded any treaty of peace, signed by the President. So that action was taken on the floor of the House under the leadership of the distinguished gentleman from Pennsylvania Mr. Porter, who was chairman of the Committee on Foreign Affairs, and we passed it by a vote of 6 to 1. The vote was 206 to 61, I believe. That was the beginning of the restoration of peace between the two countries. So we have a right to declare peace, but what is bothering me about this thing is these reservations. It seems to me if we are going to pass a resolution it ought to be a resolution declaring the war at an end.

Mr. RICHARDS. The gentleman has raised some points that I want to explain to the House.

Let me say this in reply to what the gentleman from Mississippi said about the situation in 1921: He is correct to a certain extent, but these three steps were taken in 1921 to end the First World War: First there was a joint resolution of July 2, 1921. That was followed by the Treaty of Berlin 2 or 3 months later, October 21, 1921; then on November 14 the President issued a proclamation. Certainly there is no objection to taking all three of those steps but all of them are not required. A treaty can end a state of war, and further legislative action is unnecessary. Legislative action can end a state of war, and a treaty is not required for this purpose. As a rule the purpose of a peace treaty is to establish the obligations of the parties and in so doing to terminate a state of war. The treaty method is the one most often used, but it is not by any means exclusive. In this instance the third step—a peace settlement will be taken as soon as the occupying powers can work out certain other problems over there. As far as this resolution is concerned the essential step to end the state of war is taken to place the citizens of Germany and the German nation in a position to stand beside us in the other battle that faces us. This resolution permits us to go forward to that objective.

One vitally important question is the effect of this resolution on the rights of the United States and its citizens.

The Committee on Foreign Affairs has been careful to examine the pending resolution to make sure that the action we propose here today does not disturb the essential rights we possess and should continue to possess in Germany.

Our position in Germany rests upon conquest and occupation. While these basic rights flow from a state of war they do not rest upon it for their existence. The Allies assumed supreme authority in Germany in 1945. They have never yielded it.

The declaration of June 5, 1945, assuming control of Germany, has never been officially questioned by the German Government. That supreme authority thus rightly assumed has been and still is retained. An affirmative act by the Allies would be required to give it up. From this broad base of authority it follows that so long as we continue the occupation we continue to have supreme authority and all the rights that flow from it.

This is the position taken by the Federal courts in Madsen against Kinsella decided within the past year. In that case the courts were dealing with the power to maintain military courts in Germany, but the doctrine is equally applicable to any other right exercised under our supreme authority. It applies to the right to maintain occupation troops, to control the administration of Germany, the right to see that all foreign rights and claims are fully protected and that no German asserts claims against the United States or its nationals in derogation of their rights.

In September, 1949, the Allied governments promulgated the Occupation Statute which permitted the Germans to act in many fields, but the occupying powers reserved to themselves the authority to act on reparations, restitution, foreign claims, and all other situations where foreign interests are concerned. By virtue of our complete authority, in law and in fact, the United States, and not the German Government, has control over the basic rights necessary to our Government and its citizens. One reserving his rights under the Trading With the Enemy Act to seized and vested property was the subject of agreement among the occupying powers. In order to preserve our rights in this connection, the resolution contains a proviso protecting them.

In short, terminating the state of war does not disturb any of our basic rights because we still have supreme authority in Germany regardless of the existence of a state of war. Many of our domestic statutes contain operative provisions that rest upon the existence of a state of war. These will not be affected by the enactment of this resolution. The reason is that we are still in a state of war with Japan. Until that state of war is terminated, existing domestic statutes are unaffected. Ending the state of war with Japan is to be the subject of negotiations in the near future. At that time an orderly rearrangement of domestic statutes will be made.

Continuing the state of war with Germany emphasizes an unnecessary legal situation that has little relation to the facts of policy and the march of events. It is inappropriate to maintain Germany in the status of an enemy in view of the objectives of our foreign policy toward Europe in general and Germany in particular. Termination of the state of war does not affect our rights in the occupation of Germany nor the preservation of them for the future; nor does it affect any significant domestic laws of this country where the existence of the state of war is a material factor. The resolution preserves and underlines the power of Congress to act in this important matter.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield.

Mr. MILLER of Nebraska. I have two questions: Will the ending of the state of war include the one-fourth of Germany occupied by Russia?

Mr. RICHARDS. So far as we are concerned it ends the state of war with Germany; that is the three-quarters occupied by France, Britain, and the United States, and the one quarter occupied by Russia.

Mr. MILLER of Nebraska. It does include the fourth occupied by Russia?

Mr. RICHARDS. That is right.

Mr. MILLER of Nebraska. I see on page 10 of the report under the heading Occupation Status the statement is made that—

> The Allied governments have supreme authority in Germany and can assure any necessary action to protect our rights, in addition to the specific reservation of authority in the occupation statute.

Is not that a limitation upon a people to whom you say, "We are going to give you a peace treaty and put you on the same level with the other members of the family of nations?"

Mr. RICHARDS. That is a limitation, and that limitation will be removed; that is what our policy aims to achieve. But until it is removed we cannot escape the fact that we are in Germany as an occupying power. To do the things we want to do, to do the things we promised to do, and to do the things the German people think we should do we need to enact this resolution.

Mr. MILLER of Nebraska. Did the committee come to any conclusion as to when these three nations might terminate their accupation of Germany?

Mr. RICHARDS. As the gentleman knows, this is a rather complicated subject. The gentleman knows that through the efforts of Mr. Dulles, acting for the United States Government, we are soon to meet in San Francisco to negotiate a peace treaty with Japan. We hope that it will not be long until we have a meeting with German authorities, with all German authorities, but certainly with the authorities of three-quarters of Germany.

Mr. MILLER of Nebraska. Would the gentleman agree that occupying a country for a period of years is rather dangerous to the prestige of the occupying country?

Mr. RICHARDS. In the ordinary case it is, but may I say that in the present situation in Europe the presence of our troops in Germany does not damage our prestige. For reasons clearly evident to the gentleman, the Germans themselves are not anxious for our troops to leave; in fact, they would be very much disturbed if our forces were withdrawn at this time.

Mr. VORYS. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin [Mr. SMITH].

Mr. SMITH of Wisconsin. Mr. Chairman, I think there is no more important problem facing the world today than the need for stability in Central Europe. Germany is the key country and we must see that it can again take its proper place in the world again. I had some considerable reservation about this resolution when it came before our committee, and there are some parts of it that I would like to see changed. But we are confronted with a situation and not a theory under conditions that exist in Central Europe today. I had the same concern about the resolution that the gentleman from Nebraska [Mr. MILLER] had, but we must realize that we are not considering a perfect situation. If there was a complete termination of the war where it would be possible for us to withdraw our troops upon the signing of an armistice and a treaty of peace, that would be one thing, that would be the ideal approach, it seems to me, but we do not have that situation. Actually, what we are doing here is simulating a situation of peace in an effort to bring some kind of stability while we recognize, on the other hand, that we are actually in a state of war. Under policies that we have adopted as a nation it seems to me that we must proceed to take care of the situation from the standpoint of making it possible for the Western Germans, at least, to take their place in the family of nations again, if that is possible under the circumstances. And then I think more than that to make it possible for us to cooperate with the Western Germans from the military standpoint.

There can be no question in the minds of anybody that we need the Western Germans on our side to contain communism. Certainly nobody would question our effort to bring some sort of stability in Germany as the result of this resolution. Incidentally, when we take this action today I hope we might make it unanimous because I think that would be a shot in the arm for the German people, I think it would show Russia, on the other hand, that we intend to do business with the Western Germans.

Mr. McGREGOR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Wisconsin. I yield to the gentleman from Ohio.

Mr. McGREGOR. I wonder if the gentleman can tell us if the other 18 or 19 nations have passed similar resolutions?

Mr. SMITH of Wisconsin. It is my understanding they have.

Mr. McGREGOR. With similar reservations?

Mr. SMITH of Wisconsin. Yes.

Mr. McGREGOR. I thank the gentleman.

Mr. SMITH of Wisconsin. I do not think we ought to be concerned too much about the fact that we are here insisting upon some control of that situation. If we had a united Germany I think we could do it, but we must realize that in one part of Berlin we are smack up against the Russians.

Mr. POTTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Wisconsin. I yield to the gentleman from Michigan.

Mr. POTTER. Will the distinguished gentleman from Wisconsin tell me whether this will in any way affect our military force now in Western Germany?

Mr. SMITH of Wisconsin. It will not.

Mr. POTTER. At the same time, was there testimony before the gentleman's committee as to how we and France and England are doing everything possible to implement, to build up the military force in Western Germany, so that they will be able to defend themselves when eventually we hope we will be able to draw out our forces from Western Germany at a later date so that they can have a real peace that the gentleman from Nebraska [Mr. MILLER] has talked about? Are we making a sincere effort to build up that force?

Mr. SMITH of Wisconsin. I do not think there is any question about that, but we must recognize the fact also that so far as Britain and France are concerned, they have a deep concern about the rearmament or possible rearmament of Germany, and I think that is understandable. The French are more insistent, perhaps, than Great Britain.

Mr. POTTER. By the adoption of this resolution it will not be implied in any way that we are going to pull our troops out until Western Germany is secure from the military standpoint?

Mr. SMITH of Wisconsin. I think that is absolutely right, and I am glad to add this as a result of my observation in Europe and from talking with the Germans in southern Germany when our committee was over there. There is some apprehension about the fact we might pull out before they are prepared. I think it is our feeling that while we do not want to maintain an army there unduly long, we should insist upon it as long as it is our policy to do so.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Wisconsin. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. What action, if any, did the German people take themselves on the question of rearmament?

Mr. SMITH of Wisconsin. It is my understanding there have been conferences and consultations along that line with our military people all the time.

Mr. MILLER of Nebraska. Did they not have some votes over there among the people themselves which were decidedly against rearmament?

Mr. SMITH of Wisconsin. Not to my knowledge.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Wisconsin. I yield to the gentleman from Nebraska.

Mr. STEFAN. The gentleman is absolutely right. The people in Germany do not want the American troops out of there, but when this resolution is passed and signed by the President, how and when, in your opinion, would it affect the course of High Commissioner McCloy and his forces?

Mr. SMITH of Wisconsin. How will it affect him?

Mr. STEFAN. Yes. How will it affect the office of the High Commissioner and his large forces?

Mr. SMITH of Wisconsin. It is my understanding that it does not affect him at all. The status quo is maintained, that is my understanding.

Mr. STEFAN. Then the gentleman believes that if this resolution is passed and signed by the President, the forces of High Commissioner McCloy, and our civilians who are employed in Germany, will remain there in their status quo.

Mr. SMITH of Wisconsin. Yes.

Mr. STEFAN. Then there will be no change whatsoever except the psychological effect.

Mr. SMITH of Wisconsin. I think this is chiefly psychological. It has a legal effect, of course, but certainly, as I said before, this will be a considerable shot in the arm effect so far as the German people are concerned, and they will have a willingness to go along.

Mr. STEFAN. That is the first step, then?

Mr. SMITH of Wisconsin. Yes.

Mr. VORYS. Mr. Chairman, I yield myself 1 minute. If the gentleman will look at page 2 of the report he will see the practical reasons, which are extremely important to German nationals and citizens in traveling around in this country and throughout the world. Both for personal and for business reasons this has important practical results.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. VORYS. I yield to the gentleman from Nebraska.

Mr. STEFAN. Reading on page 2 was what prompted my question on the McCloy forces in Germany.

Mr. VORYS. Yes.

Mr. STEFAN. Does not the gentleman think it would be possible to cut those forces down, however? This is the first step, according to the gentleman from Minnesota [Mr. JUDD] in the whole program.

Mr. VORYS. The size of our forces in Germany has nothing to do with our state of war with Germany. It has to do with the threat of war with Russia. Germany wants our forces there.

Mr. RICHARDS. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, some time ago I introduced a resolution to declare war with Germany at an end. I was simply following the policy laid down by the Congress in 1921.

Mr. RICHARDS. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from South Carolina.

Mr. RICHARDS. The gentleman, I am sure, will agree that he also referred to Japan.

Mr. RANKIN. Yes.

Mr. RICHARDS. And he made no reservation of rights.

Mr. RANKIN. No; that is exactly what I am getting around to. I do not want us to perpetuate a carpetbag administration in Germany, for the benefit of an alien communist racial minority.

Now, Mr. Chairman, if we get into a war with Russia or if we get into a war with communism, which is now stealthily invading the United States and creeping into positions of power and influence. If we get into a war with that gang, the one people we are going to need worse than any others will be the Germans.

We went through the carpetbag administration in the South, after the War Between the States. It was nothing but advanced communism, and one of its greatest advocates at that time was Karl Marx, the father of communism.

The man that stopped the outrageous reconstruction regime was Rutherford B. Hayes, of the United States, who was from Ohio. He announced that if he were elected President, he was going to put a stop to the carpetbag administration and take the Federal troops out of the South.

And he did that very thing.

The people of this Nation owe Rutherford B. Hayes a lasting debt of gratitude for restoring peace between the two sections of our country.

Read the book written by an ex-serviceman, a Federal soldier from Michigan, by the name of James Madison Page condemning the hanging of Captain Wirtz, who was in charge of Andersonville prison when Page was an inmate there, and you will learn something about that tragic era.

Today you have a gang of racial minority carpetbaggers over there hanging German soldiers, civilians, and doctors 5 or 6 years after the war closed, and charging it up to the United States. I understand they have already hanged over 250.

Let us declare the war at an end and give the German people to understand that they can run their own country and build up their own strength. When you do that, you will see those Russian Communists get out of there faster than the carpetbaggers got out of the South when Rutherford B. Hayes became President.

Mr. SMITH of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. SMITH of Wisconsin. Would the gentleman be in favor of winding this thing up and leaving the western Germans to the mercy of the Russians in Eastern Germany?

Mr. RANKIN. Certainly not.

But if we are going to hold them in a state of war indefinitely we might as well say so. When you declare the war at an end, my opinion is that you are going to see those long-nosed Russians, those long-nosed alien Communists get out of Germany just as fast as the carpetbaggers got out of the South when Rutherford B. Hayes became President of the United States.

Mr. SMITH of Wisconsin. Not with 175 divisions in Germany.

Mr. RANKIN. That little group of long-nosed Communists who have got control of Russia are afraid of an uprising among the people of the Ukraine. They know when that day comes, their yellow heads will roll in the sawdust. That is the gang that is in control now. The gentleman should have been with the Michigan delegation when a man just back from Poland came here and told us about the little group of an alien minority that is in control in Poland. He said they had reduced the Christian people of Poland to a state of slavery, just as that little gang has done in Russia and are now trying to do in Germany.

They know good and well that if the Ukrainians ever get a chance, and it will come some day, their yellow heads will roll in the sawdust.

Let us not perpetuate this communistic regime. Let us not aid and abet those Communists that are trying to destroy that great white country whose people are anxious to make peace with the United States and to join us in trying to save the civilization of mankind.

Mr. VORYS. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, I am in favor of this joint resolution. It represents a middle ground between, on one hand, continuing a legal state of war and in effect the still unrepudiated Morgenthau plan toward the German people and on the other hand restoring them to a fully independent status among the nations of the world as a completely sovereign and free agent.

It certainly is time to move away from the status that exists. I do not think it has yet been demonstrated that it is time to move as far as the gentleman from Mississippi [Mr. RANKIN] recommends.

Perhaps the way to begin the discussion of this problem is by recognizing that the most crucial area in Europe is Germany. As has been said so many, many times, the history of Europe shows that as Germany goes, so goes Europe. That is true in the first place because Germany occupies a strategically advantageous central position in Europe. She is the hub of the European wheel. The spokes of Europe come into Germany and go out from Germany.

The second reason why she is so important is that she has within her own soil the basic minerals and resources that are necessary to develop great industries, particularly steel and chemicals. She has the greatest industrial capacity of any of the European countries.

The third reason is that here in the heart of Europe are some 68,000,000 people who have demonstrated through the years a genius for organization and unusual abilities along certain lines, scientific investigation, invention, mechanical skills, a capacity and a tendency to develop emotional commitment to an idea and, whether good or bad, to pursue that idea with extraordinary devotion and faithfulness and singleness of purpose. They are a strong, industrious, determined people. They will be the dominant, or at least the decisive force in Europe in the long run, because of the strength of the people, their geographical location, and their natural resources. Which way are they to go—toward the west or toward the east?

Our job is not to try to figure out a way to escape the problem.

Our job is to deal with them intelligently in order to solve the problem in terms of the best interest of a free and peaceful world.

Let us look for a moment at the past to see how we got where we are and how best to deal with the present. For many centuries on the plains of Russia, a struggle went on back and forth among the various principalities. Some 550 years ago, one of those principalities began to achieve dominance. It was the principality called the Grand Duchy of Muscovy. Its capital city was a big town now called Moscow. From that time to the present, it has carried on a steady, unceasing, relentless, and ruthless expansion at the expense of its neighbors. During these 500 years, that Russian State, dominated from Moscow, has conquered literally dozens of countries and cultures and has imposed its will on dozens of peoples. Those that it could not absorb it has subdued. That process of expansion, while it has been checked a few times for as long as several decades, has never been reversed.

And the process has continued under the commissars exactly as under the czars, except that the commissars are more dangerous than were the czars, because, in addition to the old-fashioned aggression of marching across a border and conquering other nations from the outside, the commissars have developed to almost an exact science the technique of conquering from within. Old-fashioned aggression usually carried within itself the seeds of its own defeat because when foreigners from the outside occupy a country a reaction of resistance develops similar to that which doctors describe as a foreign antigen producing an antibody. The very presence of foreign conquerors produces a resentment which leads eventually to overthrow of the foreigners.

The commissars have perfected the technique of internal conquest by subversion, conquering a country by using its own citizens.

Thus they conquered China, not with Russians, but by inducing the Chinese to destroy the independence of their own country and make it a colony of the Soviet Union. They have been able to get Greeks to try to destroy the independence of Greece and Italians to try to make Italy subservient to the Kremlin. They have Frenchmen working against France. They have Englishmen trying to slow down the efforts of the British Government to build up its defenses so that it can preserve its freedom. And they have been able to get tens of thousansd of Americans to work day and night for no other purpose, apparently, than to destroy the independence of this Republic.

Now, when faced with such a threat, people who want to stay free have to develop dikes or barriers against its further extension. The two main barriers on the west of Russia in the last century were Austria-Hungary and Germany. In World War I Austria-Hungary was defeated. Unfortunately a policy of destroying Austria-Hungary was followed. With its disintegration, there was no barrier to prevent the Soviets from moving into the Balkans where they became dominant. In World War II Hitler's Germany was defeated. It had to be defeated because it had become a threat to all decent peace-loving peoples. But the destruction of Hitler's Germany did not solve the problem of Russian expansion. The problem was how to build in place of Hitler's bad German barrier, a good German and Western European barrier against Soviet aggression which could defend Western Europe and therefore ourselves.

Unfortunately we would not do the things that were necessary to create such a good barrier in Western Europe against this relentlessly expanding octopus with its heart in Moscow. That is why your sons are being sent to Europe.

Instead, a policy was followed of trying to destroy Germany. According to the testimony of Mr. Whittaker Chambers and Miss Elizabeth Bentley, which has not been refuted, there was in the Treasury Department a Communist group, two of whose members have been named, both of Russian extraction. These two men devised the essence of a plan which they sold to their chief, Mr. Morgenthau, without, I am sure, his having any idea of its real purpose or nature. He took it to the Quebec Conference in September 1944 and persuaded Mr. Churchill and Mr. Roosevelt to adopt it, the so-called Morgenthau plan, as official allied policy.

Incidentally, after word got back to the Department of State, Mr. Cordell Hull who did understand the importance of Germany, never again set foot in the State Department. As a good loyal Democrat he said and did nothing until after the elections which came 2 months later, when he resigned. He would have no part in the evil scheme and that stands eternally to his credit.

It was a diabolically ingenious plot portrayed as a plan to protect the world from a third world war with Germany. The sales talk went like this, "Twice in our lifetime the Germans have misused their great resources and capacities to plunge the world into war. Now, we don't want that to happen again, do we? Well, the way to prevent it is to make it impossible for the Germans to rearm. Make them all farmers. Destroy their steel and chemical industries. That will give peace to Europe." It looked so attractive and sounded plausible, but it was a phony as many people pointed out from the first. This one fact made clear it's fraudulent nature: The German people have to eat and they did not have sufficient land to raise enough food to feed themselves. Therefore, they had to have industries in order to manufacture goods to sell abroad to get foreign exchange with which to buy raw materials and food supplies. If we were to destroy their industries and make them all farmers, then we had to give them more land so they could produce food enough to feed themselves.

Instead, what did we do? We went to Potsdam and there took away their richest agricultural lands, Pomerania and other areas of Eastern Germany, which we gave to Soviet-dominated Poland. We would not give them industries with which to earn foreign exchange, and we took away their richest agricultural lands. That made it impossible for the Germans to recover, or for anything to develop in Germany, except the cancer of communism. That, of course, was the real intent of the Morgenthau plan.

It was not a plan to prevent world war III; it was a plan to prevent recovery in Germany in order to be sure there would be no effective barrier to Russian expansion to the west. It was a plan to turn Germany and then Europe over to the Soviet Union. It almost succeeded. It was only by spending billions of American dollars and sending already three or four divisions of American soldiers to Europe that the diabolically evil thing did not succeed. We cannot be sure it will not succeed yet.

The first thing that is good about this resolution is that at last it puts an end to that plan for dealing with Germany—a plan which was designed to appeal to our emotions and make us want to wreak vengeance on all Germans because of what the Nazi tyrants had done. But "Vengeance is mine," sayeth the Lord. "I will repay." When man tries to take over God's prerogative of handling vengeance he brings trouble on himself.

We have already spent billions to feed the Germans, because we would not let them feed themselves, and to rebuild the industries we dismantled. This resolution is the next step. It ends the state

of war, and ends their status as an enemy nation. At the same time it does not restore them to full independence. Because of their militaristic record in the past half century we cannot rightly permit them as yet to have complete, unsupervised control over their great resources. No people can escape paying such a penalty for the crimes of the Government it chose or tolerated.

The sooner the next step of a full peace can be taken, the better. For there will be no secure peace in Europe until the Germans voluntarily come along with the western nations. Our job is to persuade the Germans by deeds and by words that there is more for them to gain by tying in their industry, their trade, their defenses, their education and cultural activities, and their political development with the free nations to the west than there is by trying to conquer those areas or by playing with the Russian spider or by going it alone in the center of Europe in an attempt to play the east and the west against each other.

We must look at this situation not in terms of 1 year or 2 years, but in terms of the long-term future. Twice in our lifetime many of the Members or their sons have had to go to Europe to resist German militarism. We do not want to have that happen again.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. RICHARDS. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. JUDD. Thank you. There is not going to be any real security in Europe until Germany voluntarily chooses and is permitted to take her place with the free nations of the world against that which is a threat to every man's birthright of freedom—the glacier of tyranny moving out of the Soviet Union.

Three and a half years ago during the debate on the Marshall plan, I said on this very subject:

> If the Germans aren't permitted to go back to work at industrial production, turning out steel and machinery and chemicals and fertilizer, France, too, cannot recover. Belgium and Holland cannot recover—Europe cannot recover. To wreck German industry isn't just destroying Germany; it is destroying themselves, too.
>
> For the Ruhr is more than a German asset. The Ruhr is a European asset. Western Europe simply cannot become a sound economic organism until the Ruhr is put to work, producing manufactured goods to ship abroad to get foreign exchange to buy the foods and raw materials Europe must have to live. Western Europeans must find other ways than destruction of Germany to get the security they properly want and need.
>
> They are at last beginning, I believe, to wake up to the hard fact that their choice is not between allowing the Germans to produce or not allowing them to produce. Their choice is between having the Germans produce with and for Western Europe, or having them produce for Russia. If Western Europe and ourselves do not permit, even assist the Germans to get on their feet to produce the goods of peace, do not succeed in tying their economy in with Western Europe's so it is more profitable for them to go along with the peaceful democratic nations of the world than with the totalitarians, then the unrest in Germany will grow until it becomes uncontrollable by us, communism will win, and the Germans will be put to work with their production used by and for the Soviet Union.
>
> The Germans will either be working with the free nations, or they will be working for the Soviet.

It has taken longer than I hoped would be the case for the free world to come to its senses regarding Germany. I feel there ought to be a unanimous vote for this resolution today, in part to atone for the mistakes and miscalculations that were made by our own and other Governments; and to help the people along the road of spiritual rehabilitation. It is to their interest and ours to have them tie their future to that of the rest of free Europe, construct a strong barrier to Soviet expansion to the west and allow us once more in peace and a degree of relaxation to pursue happiness in our own way in our own land, as should be the right of every American youngster.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Mississippi.

Mr. RANKIN. Let me say to the gentleman from Minnesota that those Germans he is talking about down there joining the Communists, that is just a new example of what we called the scalawags in the South during reconstruction. As long as they could get something out of it they joined the carpetbaggers; but when the Federal Government, under the order of President Rutherford B. Hayes, denied them the backing of the Federal Government, that gang faded away. That will happen to these scalawags in Germany if this measure is passed, which I hope it does.

Mr. JUDD. I fear the gentleman is going against the counsel he usually gives the House. We must not underestimate the strength of the Communist movement. Many people turn to communism not because of resentment against carpetbaggers, but because of an emotional attraction. It is a religion to them and will not easily fade away. Many of its most zealous converts are among privileged classes, people who have suffered nothing unusual, endured no economic hardships or political persecutions. It is able to develop in them a veritable fanaticism. Do not underestimate the enemy, but do not underestimate the strength of our side or of our faith either. This resolution is an evidence of our faith in voluntary persuasion as against involuntary compulsion.

Mr. VORYS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Chairman, I think it is very appropriate for me to follow the gentleman from Minnesota [Mr. JUDD], because the gentleman from Minnesota has outlined what is our ultimate expectation and our ultimate hope with respect to Western Germany; and I might say that I am in thorough accord with what ought to be the future.

It is my purpose to call to the attention of the House and of the country by way of some warning signals, some cautions—by way of a caveat—to the things which are going on in Germany today, things which endanger this ultimate, and to hope that with this note of caution when we are discussing so important a step as ending the state of war with Germany that both the Germans and ourselves may learn what is going on and undertake the necessary corrections.

There is a movement both here and in the other body to bring about an investigation of our occupation policies in Germany. Much as we trust Mr. McCloy, and I identify myself with those who do, it is but only for the purpose of prying beneath the surface in order to see what Western Germany is doing with these great powers of autonomy that are constantly being given to her.

This resolution is nothing but symbolic. We have already given extensive powers to the German Federal Government in terms of control of its own economic affairs, supervision of east-west trade, conducting its own foreign affairs, of relaxation of industrial controls, such, for instance, as the relaxation of the size of ships which German shipyards may build and in lifting other restrictions that were imposed after the war.

Let us not fool ourselves about the issues involved. Let us not forget that our American troops faced the Germans in the last war and found them a formidable and implacable foe. Let us not forget our losses while we hope for the benefits the free world can get from having Germany line up with us against the Communist menace.

Mr. Chairman, when the Foreign Affairs Committee considered House Joint Resolution 289 to terminate the state of war between the United States and Germany I voted "present." I felt at that time that this action we are taking is premature. I wish to point out that in the case of Japan a termination of the state of war is to accompany the peace treaty, not precede it. It may well not help advance Germans toward true democracy, but make more rather than less difficult the negotiation of the pending contractual agreements, the ultimate peace treaty settlements and Western Germany's participation in the defense and the economic integration of Western Europe. I realize that this action is being taken in concert with our allies as part of a considered policy, but I believe it is nevertheless an opportune time to post some warning signals—a caveat—for my colleagues and the country.

The issue of Germany is the most explosive in Europe. How we resolve it is considered by Europeans to be the outstanding test of the maturity of our leadership.

The President says that ending the state of war with Germany will make it easier for Germans to travel and do business here and to sue in our courts. These are relatively minor items so that we must assume that this resolution is considered important by the administration in order to win German favor and German cooperation. I feel it my duty to state that we could lose rather than gain by a poorly timed action.

The great and ever-present danger is that Western Germany can become a Frankenstein to the west if ultranationalist elements get power and utilize the freedom of movement which the west is so rapidly giving Western Germany for

a new alliance, open or covert, with the Soviet Union. Let us never forget that such a partnership between Ribbentrop and Molotov consummated in September of 1939 brought on World War II. There is even now a feeling in some circles in West Germany that the Bonn government can be swept away as soon as the ultranationalists get ready to take over. Indeed, the German—Federal—Government considers itself, its capital, and its constitution, in terms of the objective of one Germany, to be interim.

It is not too often that Americans can be reminded of what National Socialist Germany meant to the world. In the Nazi era a world war was caused which resulted in over 10,000,000 casualties, 10,000,000 displaced persons, 6,000,000 exterminated Jews, plus other millions exterminated in the occupied areas of Europe—a Europe in which enormous physical damage was caused and culture and freedom were all but crushed under the Nazi heel. The frightfulness of this total destruction should at the very least give us pause today. We have put out over $40,000,000,000 to bind up the wounds of World War II since 1945 and we are still at it.

The overriding considerations which we must protect in our relations with the Bonn government before all others are, of course, the prestige and immunities of the Allied occupation forces in Western Germany and the respect for the basic law and land—state—constitutions which grant civil rights and freedoms to the population.

We may perhaps get some clues to German attitudes in some quarters in the recent scandals unfolded by a Subcommittee on Export Controls and Policies of the Committee on Interstate and Foreign Commerce of the other body under the chairmanship of the senior Senator from Maryland showing widespread illegal shipments of strategic war-making exports from West Germany into East Germany and to other Communist satellites including heavy shipments to Communist China. These are variously estimated at between $60,000,000 and $350,000,000 per annum—the trade is mostly clandestine and figures hard to get—but admittedly include such critical items as steel, seamless steel tubing, ball bearings, machine tools and instruments, rubber compounds, electric power equipment, and mining equipment. Some Germans seem a little careless even at this late date in their solicitude for the defense of the west.

The Western Allies must constantly remember that Field Marshal Von Paulus who capitulated to the Russians at Stalingrad is still in their hands and according to reports is the active organizer of a new German general staff to marshal German military strength for the Communists and against the west. Nor is the so-called circle movement in Western Germany to be overlooked. While ostensibly a neutrality movement to keep Germany out of any conflict between east and west it is nothing less than a peace-proposal movement designed to sap the will of the free people to resist communism.

Personal attitudes are always revealing and a clue to these is furnished by the recent Sugar Ray Robinson incident in West Berlin in which this champion American boxer was insulted and became the target of pop bottles at a boxing bout.

In these terms it is interesting to note the reaction of Chancellor Adenauer, of Germany, to the impending termination of the state of war with Germany by the United States. According to a speech by Dr. Adenauer reported in the New York Times of July 10, the best he could say about it was that the build-up of western power is "most desirable" from the German standpoint for "only in this way can we get the German east back."

Certain immediate major issues remain open between the occupying powers and the Bonn Government. The Schuman Plan, a vital beginning in the integration of Europe, and in Franco-German cooperation remains to be approved by the German parliament. Participation by West Germany in the defense of Europe remains to be settled and General Eisenhower has already stated that only willing cooperation will be acceptable.

It is well known that following the termination of the state of war, it is proposed to arrive at a contractual status with the German—Federal—Government to replace the West German occupation statute agreed upon by France, Great Britain, and the United States and promulgated April 10, 1949. This decision was taken by the foreign ministers of the United States, France, and Great Britain at Brussels in December 1950. In this contractual status, many vital issues will be decided regarding the restitution of identifiable property to victims of the Nazis, indemnification of persecutees for being held in concentration camps, et cetera, and similar matters. West German Government bodies have already shown themselves loath to expedite justice in these cases and reluctant to disturb the status quo—which benefits, of course, those who hold over by virtue of the action of the Nazis. We are making effective arrangements on these matters more rather than less difficult to obtain by the present resolution.

In the same vein, we are making it less, rather than more, possible for us to watch over human rights and democratic processes in West Germany, the final disposition of which will have to await a definitive German constitution and the peace treaties. On this subject, too, much is left to be desired, as evidenced by large areas of failure in the whole denazification program, the leniency in so many cases of the German courts to which denazification proceedings have been turned over, and the surge back into positions of power in Government, business, and society of former Nazis. In this our own occupation has sometimes erred, too. For example, in the appointment of 2 prominent industrialists from the Nazi era, Heinrich Dinkelbach and Herman J. Abs, as 2 of the 12 trustees for the Ruhr iron and steel industry in February of 1949, and by the granting of clemency to Alfred Krupp, including the cancellation of the confiscation of his property—which may get him eventually back into control of the Krupp holdings—despite this denunciation of him among others who helped the Nazis to power from an official War Department document issued in 1945:

> These are individuals who in an outstanding way thrived under national socialism, who welcomed it in the beginning, aided the Nazis to obtain power, supported them in office, shared the spoils of expropriation and conquest, or otherwise markedly benefited in their careers or fortunes under the Nazis.

The presence of enormous numbers of former Nazis in Government in West Germany is by now very well known. For example, it was estimated not long ago that 43 percent of the leading officials in what is now the German—Federal—Government's Ministry of Foreign Affairs are former members of the Nazi Party. These include men in high places prominently identified with the administration of Government affairs under the Nazis. This condition led the Frankfurter Rundschau, a leading German newspaper, to ask on June 1, 1950: "How can people have confidence in this country if the upper floors of our Government building are simply cramped with notorious party members."

Despite that fact, the German—Federal—Government received on March 7 of this year new rights from the Allied High Commission to manage its own foreign affairs, as well as concessions in the prohibited and limited industries agreement. At the end of 1949 the New York Times correspondent estimated that 81 percent of the judges and prosecutors in Bavaria were formerly associated with the Nazi Party and that this type of problem extended to the ranks of the whole civil service and of school teachers. All of this has headed up to a revival and a vogue of political ultranationalism.

There is ample evidence of this also in the state elections held in Lower Saxony in May last where out of something over 3,000,000 votes, 400,000, or about 15 percent, were cast for the Socialist-Reichs Party whose political goal is "national racial—volkischer—socialism and 100 percent realization of what was good in national socialism." This party is led by Dr. Fritz Dorls and former Maj. Gen. Otto Ernest Roemer, said to have been a former favorite of the Nazis. In this same respect it is important, too, to note that in the Austrian Presidential elections held last April and May the extreme right wing parties also polled a heavy vote.

These percentages may be compared with the fact that the Nazy Party when it came to power only counted 3,750,000 members, or 5 percent of the population in 1933, and that the Communist Party in the U. S. S. R. probably numbers only about 5 percent of the population now.

Our stake in Germany is very great. We have spent about $1,000,000,000 a year during the occupation to keep West Germany fed and orderly and to encourage recovery. I wish to emphasize that I have supported these appropriations for West Germany's part in the European recovery program and other steps to help rehabilitate the West

German people and rebuild their area. We are a party to a guaranty of West Germany's eastern border, including Berlin, and we know that Germany's Industrial power is the most attractive area, in terms of vastly enhancing their capability for world conquest, of Soviet imperialism and expansionism.

We have tried to woo West Germany in every way possible—with financial support, with easy occupation terms, with shutting our eyes to the return of former Nazis to high places in industry and government, with greater autonomy in government, with receiving their diplomatic representatives and giving them international recognition, with an often hard-to-justify leniency to war criminals convicted of the most revolting and degrading crimes against humanity, and in manifold other ways. Now, we are by this resolution going even further and giving the Germans another and a very important concession they want very badly, at the same time that there is much in quid pro quo still to be given to us.

It has just been said here that the state of war was terminated with Germany quickly in 1921 by resolution, but have they forgotten the fact that in 18 short years thereafter there was another war, in which the Germans were the principal aggressors. They have to account for that, not we, and we must counsel caution and moderation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. VORYS. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. JAVITS. I do not intend to oppose this resolution. I intend to stand by the position of "Present" that I took in the committee, but I think this is a proper occasion to get adult about this whole situation and realize that our stake in Germany is great and to realize we do want to make Germany a great ally of the western democratic powers. But there are very disquieting influences that are there and that need to be noted.

If the Congress is to act at least it should act with full accord of the facts before it. Members of the other body and of this body have sought an investigation of our occupation policies in Germany. This is the least that is needed. Germany continues to be the focal point in the "cold war" between us and the Soviet Union. The German problem is not solved by this resolution. I believe it is made more difficult in some respects in the negotiations that we must undertake with Germany. But regardless of that, let us at least resolve, first, that we will remain alert and vigilant to the danger that could arise in Germany, and second, that the Congress will investigate into the subject of our occupation policies in Germany, in a thorough way so that our tomorrows will be more successful in the winning of the peace as far as Germany is concerned than our yesterdays.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield to the gentleman from Michigan.

Mr. MEADER. Does the gentleman believe that the adoption of this resolution means that we recognize our failure to accomplish the objective of the Potsdam declaration to treat Germany as an economic unit?

Mr. JAVITS. No; I do not. I do not think it has any such implication. I think its implication has been clearly described as a morale factor.

Mr. JOHNSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and to include a report.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON. Mr. Chairman, I intend to support this resolution. It seems to me that it is about the only step we can make toward peace with Germany, in view of the peculiar conditions existing in that country.

Considerable has been said in the debate concerning the arming of Germany. Last summer I was designated by the chairman of the House Armed Services Committee, the gentleman from Georgia, Hon. CARL VINSON, to go to Europe to make an intensive study of the military defense assistance program. I made the trip and included in my report some observations on Germany. I agreed in my report with what has been said here today concerning the desirability of arming Germany.

I include in my remarks my views on this problem in 1950:

WESTERN GERMANY SHOULD BE ARMED AND ITS INDUSTRIAL POTENTIAL USED FOR THE PROTECTION OF ITSELF AND WESTERN EUROPE

I gave particularly close attention to this matter. I talked with a great many people about the problem of getting Germany properly armed. Germany has often been referred to as the key to the economy of Europe. It has major industrial resources; it has the population; its people have the discipline and the ability to produce vast stores of military and industrial goods. Germans have twice proved this ability in two great wars, which have proved devastating to them because they were outnumbered and outgunned. It is foolhardy, in my opinion, not to provide arms for these people in the three western zones of Germany. The Soviets have been arming eastern Germans for a considerable time. They are using the so-called German police as a subterfuge and organizing them into combat units of various types and sizes. In some instances I learned, from authentic sources, that the Soviets are now contemplating the organizing of these groups of so-called police into divisional units.

The Germans have always been accustomed to seeing visible symbols of power that would protect them against foreign aggression. They have always had a large and well-disciplined army. They have always felt that they could look to this group of professional soldiers, airmen, and naval experts to protect their country against any penetration by aggression. Today there is not a single gun in Germany available to any German. They know that should aggression start they will be absolutely helpless. A man high in authority in the American organization in Germany (whose name I cannot reveal) advised me that our people have already learned that many Germans in the western zones are signing up with communistic or semicommunistic groups. They are doing this, I am told, not because of a belief in communism, but as a result of fear that if invasion comes and they are seized by the invading forces, they could point to the fact that previous to the invasion they had been members of Communist groups and therefore should receive decent treatment. Anyone who has been in Germany and France and fought in one of the World Wars realizes how sensitive the French are about the arming of the Germans. We cannot ignore this natural feeling. However, I am positive that any arming of the Germans would be of a type which could be easily controlled by the remainder of the allies in the group, so that Germany could not again become the militaristic and belligerent nation she has been in the past. The ideal is that ultimately, once Germany has demonstrated a willingness to live in the family of nations as a peaceful member and once international security is achieved by collective efforts, Germany be admitted to the western nations' family. Her period of probation must depend on her own conduct and the progress of the United Nations, but I believe it is generally agreed that ultimately Germany should become a part of the western society of nations. Consequently we must take reasonable steps—and promptly—to arm Germany. We must make Germany capable of arming herself at least in part in order to have the ability of protecting her own citizens and her own territory. This should be merely to supplement the protection to be given by the group in western Europe, which we are trying, by means of the MDAP under consideration, to arm for their own protection.

No reasonable person can afford to ignore the tremendous industrial potential of Germany. Germany had immense industrial plants previous to the war. These have been largely wrecked. Some have been revised, but others should also be. In this great industrial complex can be produced many things useful to the western defense. If there is hesitancy about permitting Germany to manufacture munitions and other war material of value to the armed services, she can assuredly produce many other things that will be collaterally helpful in developing our mutual defense system. Germany should be set about making some of them.

The need for the rebuilding of the German industrial system is evident. The nearsighted and crude concept of reducing Germany to an agricultural nation has been wholly abandoned. Modern nations cannot be wiped out. It has been tried several times in Poland and each time the Polish people finally reemerged as a nation. It is the international hope that the German people have learned from their two mistakes, that they will in the future turn to peaceful pursuits, and that this great nation may ultimately qualify for membership in the United Nations. But, in the meantime, I see no harm and much good in using the German productive capacity to help develop an organization to maintain the peace of Europe. Some of our American representatives in Germany indicated to me that more and more the Germans are insisting upon the reconstruction of Germany, politically and physically, so she can assume that station of a respected and peaceful member of the family of nations. In assisting her toward that goal, we should permit her to add her mite to the defense effort we are making in Western Europe.

One of the problems facing Germany, and especially in Berlin, is the problem of unemployment. In Berlin I noticed an unusually large number of night policemen. Upon inquiring about this, I learned that this was not because of excessive danger of burglary, assault, robbery, or other crimes being committed or contemplated, but was a measure initiated by the American group in Berlin to ease the unemployment problem in Berlin. Our effort to build our defense system with German assistance would help this problem also, as well as build up our peace insurance in that explosive area.

Mr. VORYS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a transition move. Of course, the way to end a war is by a treaty of peace. That is traditional, and we are going to proceed that way with Japan. The reason we had to proceed this way with Germany is because of two tragic mistakes: One was the policy of unconditional surrender which destroyed any vestige of German Government, which could conduct an occupation as the occupation has been conducted in Japan under the guidance of General MacArthur, and the other was the series of agreements at Yalta and Potsdam that divided Germany into four parts and cut Berlin into four parts with a corridor through the Russian zone. That is why we have to have this transitional move.

Since this action today is unilateral, by an act of Congress, I have been concerned to know whether Germany acquiesced in our continued occupation, and I find that Germany has, and that the occupation statute stands in full force and is recognized by the new German Republic.

This present resolution ends the state of war declared in December 1941 against all of Germany, not a part of it.

I think it might be interesting to quote a few sentences, on the question whether this is for a part of Germany or not, from the new German basic law or constitution, which recites:

> Conscious of its responsibility before God and mankind, filled with the resolve to preserve its national and political unity and to serve world peace as an equal partner in a united Europe, the German people * * * has, by virute of its constituent power, enacted this basic law of the Federal Republic of Germany to give a new order to political life for a transitional period.
>
> It acted also on behalf of those Germans to whom participation was denied.
>
> The entire German people is called upon to accomplish, by free self-determination, the unity and freedom of Germany.

Note that this constitution is for a transitional period, for the entire German people.

Now, Mr. Chairman, there are those who have asked how this affects our occupying forces and how this affects German rearmament. Well, it has no effect upon our occupying forces and it has only this effect upon Germany's rearmament, to encourage Germany to take its place among the nations of Europe and do its part in rearming against the common foe. Germany has so far been unwilling to take that step, but we have hopes that such steps may take place in the next year.

Now, as to amending this and striking out the reservation of property rights vesting in the Alien Property Custodian to protect the rights of American citizens and of our Government as to any property seized under the Trading With the Enemy Act, of course we should not strike that part out. Whether we strike that out or not, the Occupation Statute will stand in full force and is acquiesced in by Germany.

Therefore, Mr. Chairman, I hope that this resolution will be adopted immediately and unanimously and without amendment; this action at least recognizes the fact that we are no longer at war with Germany. It is a step toward peace.

Mr. Chairman, I have no more requests for time on this side.

The Clerk read as follows:

> *Resolved, etc.*, That the state of war declared to exist between the United States and the Government of Germany by the joint resolution of Congress approved December 11, 1941, is hereby terminated and such termination shall take effect on the date of enactment of this resolution: *Provided, however*, That notwithstanding this resolution and such proclamation by the President, any property or interest which prior to January 1, 1947, was subject to vesting or seizure under the provisions of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, or which has heretofore been vested or seized under that act, including accruals to or proceeds of any such property or interest, shall continue to be subject to the provisions of that act in the same manner and to the same extent as if this resolution had not been adopted and such proclamation had not been issued. Nothing herein and nothing in such proclamation shall alter the status, as it existed immediately prior hereto, under that act, of Germany or of any person with respect to any such property or interest.

With the following committee amendments:

Page 1, line 8, strike out "such" and insert "any."

Line 8, after "proclamation", insert "issued."

Line 9, after "President", insert "pursuant thereto."

The committee amendments were agreed to.

Mr. MACHROWICZ. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MACHROWICZ. Mr. Chairman, I have listened with great interest to the comments of the gentleman from New York [Mr. JAVITS] and I fully subscribe to the views expressed by him. Because of the gravity of the present situation in eastern Europe insofar as a threat from Russia is concerned, and because this resolution carries the limitations provided therein. I intend to vote for it. In doing so, however, I cannot overlook this opportunity of warning my colleagues that in our dealings with Germany, we cannot afford to overlook the fact that twice within the last 30 years the German people have made serious and almost successful attempts to subjugate the world. Nor can we forget the terrible atrocities they were guilty of in the last war against the Poles, the Jews, and against all who opposed Nazi doctrines. We certainly cannot forget the sacrifices of our boys who died to stop the Nazi hordes.

I have sincere confidence and trust in our able Foreign Affairs Committee to know that they will never approve any movement to make of Germany again a military power in the hands of Nazis who would threaten the peace and safety of the world.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RICHARDS. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. HOFFMAN of Michigan. I yield to the gentleman from South Carolina.

Mr. RICHARDS. Mr. Chairman, I ask unanimous consent that all debate on the joint resolution close in 25 minutes, the last 5 minutes to be reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Chairman, may I ask the gentleman from Ohio [Mr. VORYS] if he can give me any additional information as to the meaning of the last sentence on page 2 of the joint resolution?

Mr. VORYS. That is explained in our committee report. As I mentioned briefly, it is to reserve all rights of persons to property and interests under the Trading With the Enemy Act.

Mr. HOFFMAN of Michigan. The gentleman has nothing to add to what the report states? That is all there is to it, then.

The gentleman from New York [Mr. JAVITS], if I understood his statement correctly, and if I did not I hope he will correct me, advocated extending the hand of friendship to the German people as a whole but at the same time referred to what he characterized as their past misdeeds and cautioned us to be careful in dealing with them. Was that the import of the argument?

Mr. JAVITS. I pointed to the fact that there are presently influences in Germany which endanger the prospects for friendship, and urged us, therefore, to be careful how we handle those and handle the Germans in view of that fact.

Mr. HOFFMAN of Michigan. Because we might get knifed?

Mr. JAVITS. Exactly. We may find the thing may turn out very differently from what we planned.

Mr. HOFFMAN of Michigan. In the last war we extended the hand of friendship to Russia. Through our aid she became a world power. Now we are told she is our enemy though the Marshall-Acheson policy gave her China whose men she now uses to wage war against us. We fought two wars, are now in a third, to save the British Empire. And England continues to trade with the enemy—all of which points to the folly of becoming entangled in the affairs of other nations, of relying upon other than our own strength. I have a somewhat higher regard, I think, for the German people than perhaps the gentleman from New York. But that is only a matter of personal choice. I do go along with him and agree, and I hope this statement will explain my attitude to some of the gentlemen on the majority side, I do agree that we should be suspicious of other nations which profess

friendship but desert us when their own interests are threatened. Some of us, like our good colleague from Minnesota, Dr. JUDD, I think, are too charitable, too trusting, too gullible if it is permissible to make such statements—we just accept the statements of individuals and of governments at their face value assuming they will forget their own interests when they come in conflict with what we want. I am suspicious, not particularly of the Germans, but suspicious of those folks in the United Nations who profess such a great friendship for us, but who most of the time, if not all of the time are just using us for their own advantage. Each and every one is a nationalist nation when the test comes. I find no fault with that. I wish Marshall and Acheson would follow that policy in their dealings with other nations.

Then I want to ask the gentleman from Minnesota, who did not have the time to yield, a question. He praised the German people, very, very highly, and I agree in that praise. He called attention to their courage, their thrift, their ability, their endurance, their strength and progress as a people. I want to ask him, because he is—and there is nothing critical about this—what might be called an internationalist? While I am a nationalist or an isolationist, whichever you prefer, I want the gentleman to explain how it was, why it was, that the German people were able, for so many years to get along so well and become so powerful that for a number of years they had the whole world by the ears and successfully defied everyone in two wars—were defeated when, and only when, the rest of the world turned against them. How is it that any people or any nation can be so powerful from a military standpoint and still be isolationists—nationalists—in a comparatively small country, relying upon their own resources and manpower, for some years hold the military might of Russia, Britain and the United States at bay? Germany fell not because she was nationalistic—isolationist—but because she wanted war. Through nonaggression we can remain strong and at peace for we are far more powerful than Germany ever was.

Mr. RABAUT. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. RABAUT. Does not the gentleman think that when we are bringing this very serious problem to a close we should heed the old adage that "we hate the sin and not the sinner"?

Mr. HOFFMAN of Michigan. Yes; I think that is a very good thought. That is why I love and respect my colleagues on the majority side. That is why I have such high regard for them as individuals but just do not like the ideas, the political theories, so many of them entertain. I love my friend from Michigan [Mr. RABAUT] and respect his judgment. As the majority leader so often says, I admire him personally, but when you begin to talk about horsemeat—the Marshall plan, the Acheson foreign policy, the conscripting of our men to fight in an undeclared war for an undisclosed purpose, I cannot go with you even a part of the way.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I would like to ask the committee a few questions. There are some questions in my mind about this matter, which I regard as having far-reaching importance. These questions I would like to settle, if I can.

I would like to ask either the chairman or the ranking minority member of the committee whether or not any hearings were held on this resolution.

Mr. RICHARDS. Full consideration was given to the resolution by the whole committee in executive session. The proceedings are a matter of record.

Mr. MEADER. They are not printed and available for the Members of the House.

Mr. RICHARDS. They were in executive session.

Mr. MEADER. I would like to ask the chairman this further question, if I may: Whether or not the effect of this resolution will be to recognize the status quo in Germany, namely the control of the Soviets over Eastern Germany.

Mr. RICHARDS. Not at all. So far as this resolution is concerned, it envisions no recognition of Soviet control over any part of Germany.

Mr. MEADER. I would like to ask this further question. Is it a recognition of the failure to accomplish the objective of the Potsdam declaration; namely, to treat Germany as an economic unit?

Mr. RICHARDS. I will answer that in this way: The objective of this resolution is to bring about a situation in Germany and all of Europe that will gradually force the Russians out of the one-fourth of Germany that they now occupy.

Mr. MEADER. Having brought an end to the state of war with Germany or with Western Germany or whatever is involved in this resolution, will the next step for the Russians be to try to push us out of Berlin?

Mr. RICHARDS. So far as this resolution is concerned, it applies to Berlin or any other part of Germany. This resolution does not recognize the validity of any action by any single power to control the country in violation of the accepted principles of international law.

Mr. MEADER. Does this resolution constitute a recognition that it is impossible to negotiate a peace treaty with respect to Germany?

Mr. RICHARDS. If the situation were not such as it is in Germany, not only in regard to our allies who occupy parts of Germany with us, but with regard to Russia, today we would be preparing to sign a peace treaty, just as we are in the case of Japan, where the situation is entirely different. But we think this is the proper step at this time.

Mr. MEADER. I might say these are only a few questions that have arisen in my mind. It seems to me that if this action we take today finalizes the status quo that exists in Germany, perhaps later we may wish we had not done it.

The CHAIRMAN. The time of the genutleman from Michigan has expired.

The gentleman from Mississippi [Mr. RANKIN] is recognized.

Mr. RANKIN. Mr. Chairman, after consulting with the chairman of the committee, the gentleman from South Carolina [Mr. RICHARDS], I have decided to withhold my amendment and support this resolution in its present form. I think this is a long step in the right direction.

We need not kid ourselves; communism is racial. A racial minority is carrying on the communistic brutality in Europe today, and they are trying to get their hands on this country.

Mr. WOOD of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. WOOD of Idaho. If we conclude this peace with Germany, what is to prevent the adoption of Germany into the United Nations, and then call upon us to deliver Eastern Germany from Russia?

Mr. RANKIN. I do not know. As far as I am concerned, I do not recognize the right of the so-called United Nations to tell the American people what to do. The sooner we get out of that crazy organization the better it will be for us and our children.

Communism in Europe is simply the rule of a racial minority. That is what a gentleman from Michigan who was back here from Poland told us a short time ago. Of all the brutality I ever heard of, he described it in telling how a little racial minority group had reduced the Christian people of Poland to abject slavery.

They are down there now in Germany, doing the same thing, and whenever the Germans realize that under this resolution they have a right to tell them to get out of there you will see them get out—just as the South did the carpetbaggers at the end of the so-called reconstruction period.

When they got ready to lift the embargo in 1939, President Roosevelt sent for me, because he had heard that I was opposed to lifting it. He said, "Why are you opposed to it?" I said, "If you lift that embargo you will give France and England the green light to go into a war they do not want. Their soldiers are playing football, or basketball, with the Germans between the lines at night. If you lift that embargo you will give them the green light to go on into a war that they do not want, with the understanding that we are going in with them." I said, "The thing to do is to stay out of it, keep France and England out of it, and let Russia and Germany fight it out."

Instead of that, we went through that horrible war, and were then sold out at Yalta. President Roosevelt was not responsible at Yalta. The poor fellow was sick, mentally and physically. But Alger Hiss was there, and General Marshall was there too, and some others I could mention were there in person or by proxy. The Yalta frame-up was to turn the world over to a racial minority in Europe to dominate them and destroy the white man's civilization.

I am not condoning the killing of any American boys by the Germans. Our boys had to fight after we got into it. They won the fight on land, on the sea,

and in the air. But the victory was turned over to the Communists—the worst enemy our Christian civilization has ever known.

That is the gang that has been perpetrating those outrages in Germany and charging them up to us.

I know what happened in this country after the War Between the States, and I have seen the perfidy that has been practiced by some elements claiming to represent the United States over there.

I want to congratulate the committee on bringing out this belated resolution to declare the war at an end, and to restore peace between the great Nordic nations of the world that we may all move forward and lead the world into a new era of peace, progress, and prosperity for all mankind.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAWFORD] is recognized.

Mr. CRAWFORD. Mr. Chairman, I wish to address a couple of questions to the gentleman from Minnesota [Mr. JUDD] and the gentleman from Ohio [Mr. VORYS]. On page 11 of the report it is stated that the program of removal is completed and the dismantled property is awaiting shipment. Where is it to be shipped?

I hope that all of my time will not be absorbed by waiting for an answer to these questions, because I am suspicious of this resolution. I understand no public hearings were held; it is brought here, and only members of the Committee are allowed any real time in which to discuss it.

I think there are a lot of hidden things in the resolution, and I think the House is entitled to have time to ask these questions, yet under the procedure adopted there is no chance for us to ask questions and get answers to them. Will you answer my question if you can?

Mr. VORYS. It is proceeding under the removal agreement made at Paris some time ago.

Mr. CRAWFORD. That does not answer the question because no one perhaps except a member of the Committee on Foreign Affairs knows what action was taken.

Mr. VORYS. It has been presented on the floor time and again, and the committee offered an amendment to a bill dealing with removal procedure. The whole removal procedure was discussed.

Mr. CRAWFORD. That is a very unsatisfactory answer.

I am going to ask another question of the gentleman from Minnesota: As Western Germany goes politically the other nations of Western Europe will go? Would the gentleman care to express an opinion on that?

Mr. JUDD. Not necessarily in the immediate future. In the long run her potential strength will be so great as she is built up that she will undoubtedly have a dominant influence, but not in the immediate future. One purpose of this resolution is to get the Germans to join the west in such a way that hereafter there will not be the historic tension between Germany and Western Europe.

Mr. CRAWFORD. But I am not speaking about the immediate future; I am talking about the long pull; and I can say that there are some very apt students of Western Germany and Western Europe, brilliant men, who do take the position that as Germany goes politically, so will Western Europe go. The thought was expressed here awhile ago that we are here attempting to do something which will give great assistance to the Germans with respect to working out their salvation. I think that the German people and the European people generally know more about their affairs in 15 minutes than the people of the United States will know in 15 years, and I have little sympathy with our running around all over the world trying to tell other people what is good for them. Why, the high intelligentsia in Europe, as the members of this committee well know, consider that we are still out in the woods with the Indians. We have had very few years of experience in this international field. The European cultures are so much longer established and older than ours, why should they submit to our ideas willingly? Why should they be willing for us to go over there and convert their areas into another battlefield for the defense of the United States? They have great personal interests of their own, which interests do not necessarily conform to our global ideas. We have assumed much, and it will be no easy deal for us to consummate.

The CHAIRMAN. The gentleman from New York [Mr. DOLLINGER] is recognized.

Mr. DOLLINGER. Mr. Chairman, I am going to support this resolution. I think that under proper leadership, the German people can be counted upon as friends of the free world.

In speaking of proper leadership, I refer to those Germans who fought nazism and who were so helpful to America and her allies. I would not vote for this resolution if it meant that we were to get out of Germany at once. We cannot get out of Germany until we are sure that the former top Nazis are not in control of the German Government and that they will never be given the opportunity to return to power; likewise that the Communist menace is crushed.

I introduced a resolution during the past session of Congress, as well as in this session, in which I sought a complete investigation of our American occupation and government of Germany. I did so because it was evident that too many former top Nazis were in complete control of the West German Government. I even learned that 11 former top Nazis were working under Chancelor Adenauer in key positions.

The many thousands of Germans who fought nazism in the last war and were on the side of the Allies and who did such noble work in the underground, fighting the Nazis, were assured by us, that we never would permit nazism to return to Germany.

What explanation can we give to them upon the release of Krupp, who stated after his release from imprisonment as a war criminal that he planned to assume charge of the family steel enterprises? Have we already forgotten that the Krupp family financed Hitler, and worked together with the Communists and Nazis in their infamous scheme to control the world?

It is our job, before we finally get out of Germany, to make certain that no former Nazi be given any power or be placed in any position of responsibility. We cannot accept the word of former Nazis that they have learned their lesson and now are willing to repent, any more than we can take the word of a Communist. There is no difference between communism and nazism; they both seek to destroy freedom. We are now fighting the Communist menace. When we conquer it—and I know we will—that will not assure us of world peace, if by conquering the Communist menace we build up another Nazi menace. To assure world peace, we must be certain that both the Communist menace and the Nazi menace are crushed forever.

In voting for this resolution, I do so in the hope that our American policy in Germany will change and that we will encourage our German friends who believe in democracy. We can only do that by making certain that no former Nazis, especially the top Nazis, are ever permitted to be placed in positions of responsibility or power in the present German Government.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Chairman, in response to the comments of the gentleman from Michigan [Mr. CRAWFORD] that we should reduce our pressures and activities in Europe, may I say that this resolution certainly is in that direction. It definitely terminates some of the responsibilities that we had in Germany as long as Germany was legally an enemy country. The west Germans have made great progress. They have a government that has declared and demonstrated that it wants to go along with the west. Now, we either have to encourage them in that or leave them no choice but to go to the east. Surely there is no question as to which is better for us.

I can see no hidden dangers in this resolution. It does not guarantee, no one can guarantee that the Germans or any other country will be completely sympathetic with all that we believe or what Western Europe believes is the right course for Germany to take. But the resolution makes clear to them that there is an honorable place for them as they continue to prove themselves honorable, and that we want to deal with them not as enemies but in a mutually helpful, cooperative, and friendly way because that is the only way we can get peace and security in Europe and for ourselves.

Mr. VORYS. Mr. Chairman, will the gentleman yield?

Mr. JUDD. I yield to the gentleman from Ohio.

Mr. VORYS. A lot of things can be discussed, but let us remember that in a few minutes you are going to vote yes or no on whether you want to terminate the state of war with Germany.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. HAYS].

Mr. HAYS of Arkansas. Mr. Chairman, I hope this resolution will be adopted unanimously whether one shares the fears of the gentleman from New York [Mr. JAVITS] or the views of the gentleman from Mississippi [Mr. RANKIN] regarding developments in Germany, it is essential that we make an official declaration that we are no longer at war with Germany, that the German people are not our enemies.

Mr. BATTLE. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Arkansas. I yield to the gentleman from Alabama.

Mr. BATTLE. Does not the gentleman think it is very important for us to move immediately to help Germany come back into the family of nations and to make every effort to direct her forces into constructive channels?

Mr. HAYS of Arkansas. I do, indeed, and a favorable vote on this resolution will help achieve that end. A unanimous vote on the resolution would emphasize our wishes in that regard.

Mr. BATTLE. Is not the effect of this resolution simply a statement that hostilities have ceased, the war is over; it does not take away any of our occupational powers, so that we can go forward with building up the defenses of Western Europe?

Mr. HAYS of Arkansas. That is the substance of it.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. HAYS of Arkansas. I yield to the gentleman from Montana.

Mr. MANSFIELD. Is it not true also that this is the only step we can take at this time on the road to an eventual peace treaty with the German Republic?

Mr. HAYS of Arkansas. I agree with that opinion.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. RICHARDS].

Mr. RICHARDS. Mr. Chairman, there have been one or two expressions here to the effect that this resolution is too strict because it contains a provision protecting certain American rights under the Trading With the Enemy Act. On the other hand, a few Members have suggested that the proposal is something that Germany might not deserve. But no Member has said that he does not think this is the common sense, logical approach to the situation in view of the present existing conditions in the world and in view of our existing relations with Germany.

Mr. Chairman, I should like to say one word in regard to a remark made by my good friend from Ohio [Mr. VORYS]. He seems to insinuate—and I do not want to stir up any argument when I know everybody is in agreement on this resolution—that there is a situation in Germany which makes it necessary to terminate the war by the method proposed here as compared with the situation in Japan where we can negotiate and sign a treaty of peace. He infers that the reason for the difference is that General MacArthur was in charge in the Pacific and somebody else in charge in Germany.

Now, as a matter of fact, this has nothing to do with that at all. The situation in Japan is entirely different than the situation in Europe, and the gentleman knows it. In Europe we had certain problems among our Allies, among the occupying powers. We have certain commitments with the Russians who occupy one-fourth of Germany. That is an acknowledged fact. In the Pacific, on account of the situation as it existed at the end of the war, a situation developed entirely different from anything in Europe, and I believe every Member of this House will agree.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield to the gentleman from California.

Mr. JOHNSON. I wish the gentleman would comment on this. According to his interpretation, this will cover all of Germany. Now, Russia is in the east zone by agreement between ourselves and the other powers. How will this affect that situation?

Mr. RICHARDS. Well, actually I do not know how much it is going to affect the situation in regard to the part of Germany that Russia occupies. In the long run we hope it will affect that situation favorably for us.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield to the gentleman from Iowa.

Mr. GROSS. I am glad to know that Congress does have a voice in ending wars, and I hope in the future we will have some voice in the starting of wars.

Mr. RICHARDS. We did have some voice in starting this one.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I yield to the gentleman from New York.

Mr. REED of New York. I just want to say that I favor this resolution. I do so for the reason that I think that Germany, a nation of some 70,000,000 people, is essential to the economy of the nations of the world, and I do know that the Germans are now coming to the front industrially very rapidly. While it may be necessary to keep occupation troops there for a time, I doubt if it will have to be very lengthy occupation, because the Germans are thrifty, methodical, and productive, and even now they are in competitive trade in some quarters of the world in a very large way, and when the Germans are on their feet industrially and financially, the Russians are not going to invade Germany. All you have to do is to read history and see how near the German army and air force came to crushing Russia, which would have been done had it not been for the lend-lease which the United States gave to Russia.

Mr. RICHARDS. I hope the prediction of the gentleman will prove to be correct.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. SIKES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H. J. Res. 289) terminating the state of war between the United States and the Government of Germany, pursuant to House Resolution 356, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. RANKIN. Mr. Speaker, since this is virtually a treaty I think we should have a roll call. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 379, answered "present" 1, not voting 53, as follows:

[Roll No. 137]

YEAS—379

Aandahl	Burnside	Fine
Abbitt	Burton	Fisher
Abernethy	Bush	Flood
Adair	Butler	Fogarty
Addonizio	Byrne, N. Y.	Forand
Albert	Byrnes, Wis.	Ford
Allen, Calif.	Canfield	Forrester
Allen, Ill.	Carlyle	Frazier
Allen, La.	Carnahan	Fugate
Andersen, H. Carl	Case	Fulton
	Celler	Furcolo
Anderson, Calif.	Chelf	Garmatz
Andresen, August H.	Chenoweth	Gary
	Chiperfield	Gathings
Andrews	Chudoff	George
Anfuso	Church	Golden
Angell	Clemente	Goodwin
Aspinall	Clevenger	Gossett
Auchincloss	Cole, Kans.	Graham
Ayres	Cole, N. Y.	Granahan
Bailey	Colmer	Granger
Baker	Combs	Grant
Bakewell	Cooley	Green
Barden	Cooper	Greenwood
Baring	Corbett	Gregory
Barrett	Cotton	Gross
Bates, Ky.	Cox	Hagen
Bates, Mass.	Crawford	Hale
Battle	Crosser	Hall, Leonard W.
Beall	Crumpacker	
Beamer	Cunningham	Halleck
Beckworth	Curtis, Nebr.	Hand
Belcher	Dague	Harden
Bender	Davis, Ga.	Hardy
Bennett, Fla.	Davis, Wis.	Harris
Bennett, Mich.	Dawson	Harrison, Va.
Bentsen	Deane	Harrison, Wyo.
Berry	DeGraffenried	Hart
Betts	Delaney	Harvey
Bishop	Dempsey	Havenner
Blackney	Denny	Hays, Ark.
Blatnik	Devereux	Hays, Ohio
Boggs, Del.	D'Ewart	Hébert
Boggs, La.	Dollinger	Hedrick
Bolton	Dolliver	Heffernan
Bonner	Donohue	Heller
Bosone	Donovan	Herlong
Bow	Doughton	Herter
Boykin	Doyle	Heselton
Bramblett	Eaton	Hess
Bray	Eberharter	Hill
Brown, Ga.	Elliott	Hillings
Brown, Ohio	Elston	Hinshaw
Brownson	Engle	Hoeven
Bryson	Evins	Hoffman, Mich.
Buckley	Fallon	Holifield
Budge	Feighan	Holmes
Buffett	Fellows	Hope
Burdick	Fenton	Horan
Burleson	Fernandez	Howell

Hull	Mills	Secrest
Hunter	Mitchell	Seely-Brown
Jackson, Calif.	Morano	Shafer
Jackson, Wash.	Morgan	Sheehan
James	Morris	Shelley
Jarman	Morrison	Sheppard
Jenison	Moulder	Short
Jenkins	Multer	Sieminski
Jensen	Mumma	Sikes
Johnson	Murdock	Simpson, Ill.
Jonas	Murphy	Simpson, Pa.
Jones, Ala.	Nelson	Sittler
Jones, Mo.	Nicholson	Smith, Miss.
Jones, Hamilton C.	Norrell	Smith, Va.
	O'Brien, Ill.	Smith, Wis.
Jones, Woodrow W.	O'Hara	Spence
	O'Konski	Springer
Judd	O'Neill	Stanley
Karsten, Mo.	Ostertag	Steed
Kean	O'Toole	Stefan
Kearney	Passman	Stigler
Kearns	Patman	Sutton
Keating	Patten	Taber
Kee	Patterson	Tackett
Kelly, N. Y.	Philbin	Talle
Kennedy	Phillips	Taylor
Keogh	Pickett	Teague
Kerr	Poage	Thomas
Kilday	Polk	Thompson, Mich.
King	Potter	
Kirwan	Poulson	Thompson, Tex.
Klein	Price	Thornberry
Kluczynski	Priest	Tollefson
Lane	Prouty	Towe
Lanham	Quinn	Trimble
Lantaff	Rabaut	Vail
Larcade	Radwan	Van Pelt
LeCompte	Rains	Van Zandt
Lesinski	Ramsay	Vaughn
Lind	Rankin	Velde
Lovre	Redden	Vinson
Lucas	Reece, Tenn.	Vorys
Lyle	Reed, Ill.	Vursell
McCarthy	Reed, N. Y.	Walter
McConnell	Rees, Kans.	Watts
McCormack	Regan	Weichel
McCulloch	Rhodes	Welch
McGrath	Ribicoff	Werdel
McGregor	Richards	Wheeler
McGuire	Riehlman	Whitaker
McKinnon	Riley	Whitten
McMillan	Rivers	Wickersham
McMullen	Roberts	Widnall
McVey	Robeson	Wier
Machrowicz	Rodino	Wigglesworth
Mack, Ill.	Rogers, Colo.	Williams, Miss.
Mack, Wash.	Rogers, Fla.	Williams, N. Y.
Madden	Rogers, Mass.	Willis
Magee	Rogers, Tex.	Wilson, Tex.
Mahon	Rooney	Winstead
Mansfield	Roosevelt	Withrow
Marshall	Sabath	Wolcott
Martin, Iowa	Sadlak	Wolverton
Martin, Mass.	St George	Wood, Idaho
Mason	Sasscer	Yates
Meader	Schwabe	Yorty
Merrow	Scott, Hardie	Zablocki
Miller, Md.	Scrivner	
Miller, Nebr.	Scudder	

ANSWERED "PRESENT"—1

Javits

NOT VOTING—53

Arends	Gamble	Murray, Wis.
Armstrong	Gavin	Norblad
Bolling	Gillette	O'Brien, Mich.
Breen	Gordon	Perkins
Brehm	Gore	Powell
Brooks	Gwinn	Preston
Busbey	Hall, Edwin Arthur	Reams
Camp		Saylor
Cannon	Hoffman, Ill.	Scott, Hugh D., Jr.
Chatham	Irving	
Coudert	Kelley, Pa.	Smith, Kans.
Curtis, Mo.	Kersten, Wis.	Staggers
Davis, Tenn.	Kilburn	Stockman
Denton	Latham	Wharton
Dingell	McDonough	Wilson, Ind.
Dondero	Miller, Calif.	Wood, Ga.
Dorn	Miller, N. Y.	Woodruff
Durham	Morton	
Ellsworth	Murray, Tenn.	

So the joint resolution was agreed to.

The Clerk announced the following pairs:

Mr. Kelley of Pennsylvania with Mr. Arends.

Mr. Dingell with Mr. Latham.

Mr. Wood of Georgia with Mr. Wharton.

Mr. Rooney with Mr. Coudert.

Mr. Staggers with Mr. McDonough.

Mr. O'Brien of Michigan with Mr. Busbey.

Mr. Murray of Tennessee with Mr. Brehm.

Mr. Perkins with Mr. Kilburn

Mr. Powell with Mr. Kersten of Wisconsin.

Mr. Preston with Mr. Miller of New York.

Mr. Camp with Mr. Morton.

Mr. Bolling with Mr. Murray of Wisconsin.

Mr. Durham with Mr. Dondero.

Mr. Gordon with Mr. Gwinn.

Mr. Brooks with Mr. Gillette.

Mr. Chatham with Mr. Stockman.

Mr. Dorn with Mr. Norblad.

Mr. Irving with Mr. Gamble.

Mr. Denton with Mr. Armstrong.

Mr. Davis of Tennessee with Mr. Hoffman of Illinois.

Mr. Breen with Mr. Gavin.

Mr. Gore with Mr. Ellsworth.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUBMERGED LANDS ACT

Mr. LYLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 335 and ask for its immediate consideration.

The Clerk read the House resolution, as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries. That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. LYLE. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN] and at this time I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the immediate consideration of the bill, House bill 4484, reported from the Committee on the Judiciary, a measure concerning the submerged lands with within the States and seaward of the coastline of the United States, the so-called tidelands bill.

It is not disputed that legislation upon this subject is timely—yes, vitally necessary to our welfare. Century-old titles are clouded and disputed. Valuable equities are threatened and development of new resources in the Gulf of Mexico are halted and remain at a standstill.

This resolution or similar resolutions making in order such a bill have been overwhelmingly adopted by this body so many times I am certain it requires little or no explanation.

The problem to be solved is not peculiar to nor limited to a few Gulf Coast States. It is national and affects the property rights of individuals and governments in each of the 48 States. It cannot be wisely decided along sectional or political lines.

Mr. Speaker, the measure, House bill 4484, is not and should not be controversial, for it embodies a principle dear to the heart of each of us, the integrity of property ownership, a principle as old and honorable as our flag.

It is a simple, direct confirmation of the rights of the 48 States, claimed, asserted, and exercised by them throughout our country's history, to the lands beneath navigable waters within State boundaries and to the resources within such lands and waters.

Too, and this is of great importance to the Government, it establishes ownership and control in the Government of the United States to the natural resources of the Continental Shelf and establishes the method and manner of leasing and developing such resources.

It is a matter of deep regret that the provisions of title II are necessary, for only by the wildest stretch of judicial interloping could the century-old titles have been clouded and put into dispute.

I could not praise too highly the work of the Committee on the Judiciary which has labored so diligently and ably to bring a bill to this body which will rightly, honorably, and permanently settle the issue and reestablish confidence among our citizens in the integrity of ownership of property.

While there should be no controversy, unfortunately there will be.

The argument that the Supreme Court has spoken and the issue is settled is not a valid one. It is a screen and simply does not hold water.

The Congress—and only the Congress—can and should settle the dispute. Too, only Congress can establish a Federal leasing policy on the resources beneath the Continental Shelf.

The argument that the resources offshore of State coastlines belong to all of the people is no more acceptable, reasonable or American than a statement that my home is at the disposal of the Federal Government.

Proposals to divide the revenue, whatever it may be, among the States is as foolish as saying that I am entitled to a share of Pennsylvania's or Ohio's coal, or Montana's metals, or Minnesota's iron ore, or to Maine's kelp and fish.

No Member of this body would preemptorily expropriate the private property of a citizen of the United States without trial or compensation. Would you do so to your State's property? I think not. Then you favor this measure and you will support it.

In supporting this measure you take nothing from the Federal Government, nothing it rightfully owns or claims, but you do affirm to the State, your State, title to its property.

There are some who through ignorance or deliberate disregard for truth who would cry "wolf," would contend that this is a steal for the major oil companies. That is not true. Actually, the oil companies would fare better under Federal ownership.

I have, with all sincerity, examined the position of those who espouse Federal ownership and control of all resources under navigable waters, particularly under the waters seaward of our coast. I cannot find one single argument that intelligently supports their position.

Mr. Speaker, a vote for this bill is an honorable vote and one of which you can be proud, because it will be in the tradition of good Americanism. It is a vote in the tradition of your home, your property rights, and the valuable things in your life. I have often thought, Mr. Speaker, that young Americans proudly wear the uniform of this country because they believe in the principles of private ownership of property and the integrity of that property ownership, because they believe in the integrity of their Government, because they believe in the justness of the things that belong to them, and because they know that there will not be expropriated without trial or without compensation that which belongs to them and their fellow Americans, including that of the State governments.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield to the gentleman from Mississippi.

Mr. RANKIN. Of course, I agree with the gentleman from Texas in everything that he said. I am wondering if this law could be extended to the Territory of Alaska, to protect the people of Alaska from a condition that to me is just unthinkable, and that is with reference to their fisheries along the coast.

Mr. LYLE. I am sure it could be if it were properly drawn. I could not say whether it is in order in this bill or not.

Mr. RANKIN. I thank the gentleman.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. LYLE. I yield to the gentleman from California.

Mr. HINSHAW. I would like to say to the gentleman from Mississippi that when Alaska becomes a State it will be entitled to all of the rights that are inherent in every other State, on an equal footing with all of the States.

Mr. LYLE. This rule and his bill ought to have the unanimous and the wholehearted approval of this body because it is just, it is right, and it is American.

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, this rule makes in order H. R. 4484, known as a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the continental shelf lying outside of State boundaries. It is an open rule and provides for 4 hours of general debate after which it will be open to any arguments that might be offered.

This measure confirms and establishes the right and claims of the 48 States. It is substantially the same legislation that has passed both Houses of Congress several times over the years and in many respects similar to House Joint Resolution 225, which passed the Seventy-ninth Congress by a substantial majority. This legislation merely restores to the States the accepted law of the land prior to the Supreme Court decision in the California case which by a 4 to 3 decision robbed the respective States of their sovereign rights, beneath navigable waters within their boundaries and of the natural resources within such land and waters.

The Judiciary Committees of both the House and Senate have had over the years many hearings on this subject. Always the committees have held in favor of the States. We must not forget that for over 160 years in our Nation's history that the States had unchallenged ownership of these lands and exercised all rights until the Supreme Court's decision in the California case created uncertainties.

As far as I have been able to learn the contest here today is between those of us who believe in States rights on one hand and outsiders who have been lobbying against this measure because they want the Federal Government to grab these resources so they can obtain through favoritism certain Federal leases. In other words there are certain individuals who see a golden opportunity if they can succeed in getting Federal bureaucrats in control of this wealth. That is the reason you have heard so many untrue and misleading statements. If they are successful in having the Federal Government confiscate the rightful property of the 48 States they hope to make a killing that will make Teapot Dome appear as a dwarf. These outsiders with their propaganda have attempted to make it appear as if only three or four States are affected. That is not true. All States are affected and that is the reason many State legislatures have passed resolutions asking that the Federal Government not confiscate their property. Take Illinois, my State for instance. The Prairie State has 976,640 submerged acres under Lake Michigan and 289,920 acres of submerged lands under inland waters. Millions of dollars' worth of buildings and other improvements in Chicago are built on filled-in lands and are now in jeopardy by virtue of the Tidelands case. Is it any wonder that the late Mayor Edward J. Kelly, of Chicago, insisted that these rights remain with the various States.

Dwight H. Green, Governor of Illinois, at the time of the California case, said: "Through certain interpretations of the Supreme Court's tidelands decision, the Federal Government could obtain comparable rights in Lake Michigan and these rivers." Without attempting a legal discussion of the issues or the decision in this case, let me point out that the majority opinion giving the Federal Government jurisdiction over these lands was based on the assumption that the natural resources in these lands might be vital to the national defense, and that they might be the subject of international negotiations conducted by the Federal Government. Of course, all of us agree that in time of war the Federal Government has the right to the use of every resource which we possess; but that right does not imply the confiscation of existing property rights in those resources or the lands which contain them. The new principle enunciated in United States against California might be applied to effect the nationalization of all property useful or vital to the national defense or which might become the subject of international negotiations.

The Supreme Court's decision applies equally to all the 48 States. Particularly does it apply to the 18 coastal States and the 8 States bordering on the Great Lakes whose submerged lands contain oil, gas, iron ore, coal, and other minerals.

Let me repeat, the legislation now before us merely confirms title to lands which have always been in possession of the States. The National Government has never possessed those lands and cannot now take possession or use them unless Congress passes an act authorizing such possession and use. This legislation merely allows the States to keep what they had and prevents the Federal Government from taking over property it never had and never thought of claiming until the California Supreme Court case.

Nationalization of this property would result in less efficient development of these resources. Transfer of operation to the Federal Government contemplates an entirely new bureau. Let us pass this legislation and in no uncertain terms make clear for all time that the Congress of the United States is not going to confiscate the property which rightfully belongs to the 48 States.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. FEIGHAN. I think it might be well to note in the first place that there has been a determination by the court as to who owns the land that may be under the bed of any lake.

There was a decision in the United States Supreme Court in the case of *Illinois Central Railroad* v. *Illinois* (146 U. S. 387), which involved the bed of Lake Michigan. The Court there held that the State of Illinois owned that. What the gentleman is talking about is just a recitation of a conjecture by a man who apparently is not cognizant of the fact that in the determination of the Supreme Court in the Louisiana, Texas, and California cases it was stipulated and agreed that it concerned only that portion of the Continental Shelf beginning from the low-water mark extending seaward. It had nothing to do with the tideland which is the strip of ground covered by the ebb and flow of the tide, which strip is marked by the high- and low-water marks.

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. GOSSETT. The case cited by my distinguished friend and colleague also held that the same rule applied to the Great Lakes as applied to the open sea. Following the case of the Illinois Central

Railway versus Illinois, under the philosophy of the California decision, the Federal Government owns the beds of the Great Lakes. That is the only logical conclusion you can draw—that the Federal Government under the California decision has paramount power and dominion over the Great Lakes just as it has over the marginal seas.

Mr. ALLEN of Illinois. I am in agreement with the gentleman from Texas.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. CELLER. I may say that I have read all of the Supreme Court cases. There is not a word in them which indicates that the Federal Government assumes any proprietary interest in lands under inland waters. That includes the Great Lakes. The President's veto message, and former Attorney General Clark and present Attorney General McGrath, indicate there is no intention on the part of the Government to proclaim any sovereign rights or proprietary or paramount rights over any inland waters. That includes rivers, lakes, bays, inlets, straits, and harbors.

Mr. ALLEN of Illinois. I may say to the gentleman that the people who own property in Chicago are very much disturbed about this bill, because they feel in the event the bill is not passed and the situation remains as it now is, there will be confusion as regards title to their property.

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. GOSSETT. May I interject here that when my distinguished chairman says the Federal Government has no claim on the inland waters that he has a bill now pending, which he has introduced, to quitclaim to the States title to the inland waters, at the behest of Federal officials other Members have several times presented and introduced such bills. If there is no cloud on the title to the submarginal lands under these inland lakes, why would there then be the necessity to have a quitclaim bill introduced in the Congress?

Mr. ALLEN of Illinois. Mr. Speaker, in conclusion, I say that this merely permits the States to keep what they already own and what they have understood to be theirs for over 160 years. It merely permits them to keep their own property.

On the other hand, if this bill is not passed, then there is confusion as a result of which some will feel that the Federal Government is trying to confiscate this property which belongs to the State and to nationalize it.

Once it becomes nationalized then we are going to see some outsiders come in because we know that the States are much more able to efficiently handle this than these bureaucrats here in Washington. In the event this is not remedied here today, you are going to have confusion, where there is no certainty as to just what the true status of the case is.

Therefore, I hope that the majority in favor of this bill will be even greater than in the Eightieth Congress, when there were only 29 Members, after hearings and debate and discussion, who voted against the bill presently before us.

Mr. WERDEL. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from California.

Mr. WERDEL. I would like to say the gentleman is entirely correct, in the light of what has happened in the Central Valley under the language of the California decision. The interpretation of the gentleman from Texas [Mr. GOSSETT] is entirely correct, because the Bureau of Reclamation now takes the position, under the California decision referred to, that even State riparian water rights can be cut off by the United States Government under the power that it has under the California decision to regulate commerce on inland streams. So they are already in the field telling the people of the United States that under these decisions the States have no water rights and that they eventually have to look to the Federal Government.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Ohio.

Mr. FEIGHAN. With reference to the statement made by the distinguished gentleman from California [Mr. WERDEL], let us get this straight. The gentleman is referring to the Rancho Marguerita case?

Mr. WERDEL. No. I am referring to what the Bureau of Reclamation, with many publicity artists, are doing in Central Valley. They are telling the people that when these waters are impounded they can eventually do anything they desire to do with the water, regardless of the riparian rights of the State of California.

Mr. FEIGHAN. I thought you were referring to the suit filed by the Federal Government with reference to Rancho Marguerita.

Mr. WERDEL. No.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. ROGERS of Colorado. In response to the argument advanced by the gentleman from California [Mr. WERDEL], the Federal Government in a law suit between Nebraska, Wyoming, and Colorado, asserted that theory; claiming that they had a right to the unappropriated waters of the stream. I am happy to report to the gentleman from California that the Supreme Court denied the Federal Government had any right whatsoever to appropriate public waters in those streams that apply to the doctrine of appropriation in the Western States. I think you will find that decision was in 1942. So this should not in any manner whatsoever involve the question of water rights in the Western States, because the Supreme Court in 1942, in the Nebraska-Wyoming-Colorado suit denied the authority of the Federal Government to assert ownership, which the gentleman is now fearful of.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Illinois.

Mr. YATES. As I understand the purpose of this bill, it is to confirm title in the States to the land lying beneath the waters within 3 miles of the present land boundaries. What will be the effect of the bill, if any, upon the land lying outside the 3-mile limit? Does that belong to the States too, or to the Federal Government?

Mr. ALLEN of Illinois. I yield to the gentleman from Texas [Mr. LYLE].

Mr. LYLE. In answer to the gentleman from Illinois [Mr. YATES], it establishes ownership of the Federal Government in the Continental Shelf, that land lying seaward of the original State boundary, to which the Federal Government now only has title by an Executive order.

Mr. CELLER. Mr. Speaker, will the gentleman yield in that connection?

Mr. ALLEN of Illinois. I yield to the gentleman from New York.

Mr. CELLER. I may say to the distinguished gentleman from Texas that under this bill Texas, Louisiana, and other coastal States have a perfect right to extend their boundaries at will. Answering the inquiry of the gentleman from Illinois I may state that Texas by legislative enactment has extended its boundaries to the edge of the Continental Shelf; so the Continental Shelf, no matter how far it may go under the Gulf of Mexico, as far as Texas is concerned, will apply to the State of Texas under the theory advanced by the proponents of the bill.

Mr. LYLE. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Rules [Mr. SABATH].

Mr. SABATH. Mr. Speaker, I am amazed by the statement of my colleague from Illinois [Mr. ALLEN]. He again starts by charging that the bureaucrats want to control. It seems to me he is more interested in the oil plutocrats. I want to preserve these rich deposits for the people of the United States.

The gentleman from Illinois claims he has received many communications from the city of Chicago expressing unfounded fear over the effect this legislation might have on Lake Michigan. It is rather strange that I have not received a single such letter. He names the Chicago Title & Trust Co. Well, naturally, they might be interested—not that their concern lies in the welfare of the people, but in their selfish personal interest. Mention has been made of former Governor Green, of my State, who is associated at this time, and has been in the past, with the big interests, and naturally the interest of the oil companies has not been foreign to him.

As to the legal questions involved, I certainly would place greater confidence and reliance in the opinions of our former colleague, Sam Hobbs, whose ability and reputation as an international lawyer is unquestioned, than I would have in those of Governor Green. I recall the excellent presentation Sam Hobbs made when this same legislation was before us in the Seventy-ninth Congress and again in the Eightieth—the legal argument he made that remains

unanswered today. I want to insert at this point, as part of my remarks, his learned argument and I urge every Member to read it carefully so that when the real time comes to vote on this bill you will be able to vote intelligently. His arguments effectively and completely dissipate the contentions of the proponents of this legislation as to the rights of the States to these lands under the ocean. A brief outline of his arguments follow:

Mr. HOBBS. This is another illustration of legislation by slogan. Mr. Robert W. Kenny, who was the former attorney general of California, conceived the brilliant idea of calling this the tide lands bill, which, of course, is utterly false. Tide lands end where the bed of the sea which contains these oil deposits—$4,000,000,000 worth of them off the coast of California—begins. No one denies that, and yet they continue to call it the tide lands bill, to pull in the suckers. Gentlemen, whether you believe it or not, that is the truth.

The low-water mark is where the tide lands end. The tide lands are those lands at the bed of the sea which sometimes are wet and sometimes dry, due to the ebb and flow of the tide. This does not begin until the tidelands end. So, for the love of God, do not be misled by that falsehood.

They talk about the pier at Atlantic City. What they were doing off the coast of California was whipstocking out 2 and 3 miles. The Japanese tankers flying the Japanese flag took this oil into those tankers, 156,000 barrels a day, getting ready for Pearl Harbor beyond a doubt. That was the only place they could get it at that time, so they parked at the outer edge of the 3-mile zone and got their fill so that they could almost take Pearl Harbor.

What I mean is that this bill of Texas and Louisiana confers that ownership on the Federal Government. That is why in the minority report we used the expression it was a "calling card" for war. You cannot do that. Anybody who has even an ABC knowledge of international law knows that we never owned an inch from our shores except by treaty. We have treaties with over 50 nations regarding the 3-mile zone. We started out with a swords' length from shore; then a cross-bow shot; then a musket; and finally they felt they had reached the limit with a cannon shot when a Norwegian cannon first penetrated to 3 miles; then, by unanimous agreement of the civilized nations, they agreed on the 3-mile zone as under the absolute control, although not ownership, of the littoral sovereign, of the littoral national sovereign.

Now, gentlemen, just one more word about this. We have no right to extend that limit except in the same laborious way by which we negotiated the treaties that fixed it originally.

What I want to do is to answer one or two things. For instance, Mr. GOSSETT referred to Mr. Ickes in his statement. Mr. Ickes did not have a thing in the world to do with the ocean; Mr. Ickes had nothing in the world to do with anything but dry land. Public lands is what they are—dry lands—and every lawyer in God's world who knows the law knows it. The law of the land and the law of lands means dry lands and not ocean-covered lands. So, of course, when he was writing that letter there responding to an application to get him to execute a license under the ocean, he very properly said, "I am in charge of public lands and have nothing in the world to do with ocean-covered lands."

Now, Texas and Oklahoma are, by this bill, Mr. GOSSETT said, abrogating their right to the Continental Shelf. Of course, that is what the bill says. They are really increasing their right to the Continental Shelf, but they fail to recognize the law of nations, the international law, that has obtained for more than 400 years without change, that the high seas are the highways of the nations, owned by none, and no one can claim exclusive rights.

Now let me say the statement has been made here that up until 1938 there was no dispute as to the law. I will say there is not any dispute as to the law now. There is not a bit of dispute as to the law. Here is a case that was decided over 125 years ago in my own State of Alabama, and it settles the law, because it has never been expanded or qualified or overruled. It is the law of the land today. This particular part of the opinion is not but four lines long, and it is illuminating, and I want you to get it:

"For, although the territorial limits of Alabama have extended all of her sovereign power into the sea, it is there, as on shore, but municipal power, subject to the Constitution of the United States."

Gentlemen, the whole thing is there. Texas, as I understand it under the treaty under which she came in and the law, had her boundaries recognized for 10 or 10½ miles out—3 leagues. So it was there, but as a municipal authority and subject to the Constitution of the United States for constitutional purposes, the first one being the right of defense. Texas cannot defend herself, as big as she is, as rich as she is, and as powerful as she is; neither can any other State. We recognized that when we created the United States of America and declared it should be a permanent Union before the Constitution by more than 12 years. That is why the Treaty of Paris was negotiated not with the sovereign, separate States or colonies, but with the United States of America, eonomine, that was a sovereign entity before the Constitution—long before. And since then there can be no question about the four powers that have been conveyed to the national entity by the Constitution. The first one is to provide for the common defense, to create and maintain an Army and Navy, to guard against the United States, and to collect imports and exports, etc.

Now, gentlemen, the Marianna Flora case decides that. Every case decides it. I know the time is short, but I want to give you one illustration. When I apeared before the Senate committee on this 10 years ago, Chairman CONNALLY said "Why, does not the gentleman know, as every other lawyer ought to know, that 54 times the Supreme Court has decided what we all believe, that these lands being to the States?" I said "No, sir; I do not know that to be true, but I will challenge the gentleman to prove it in this way: if you will show me any one case—any one—by the Supreme Court or any other court that hold that, I will eat my hat and buy you a new one and vote for your bill." He said, "Why, I will go out and get it right now," and he has not come back yet.

There is not any case, gentlemen. And for more than 150 years the case of *Pollard's Lessee* v. *Hagan, et al* (3 How. 212, 230), has been the law of the land, and since then there have been any number of cases decided by the Supreme Court, and recently *United States* v. *California* (332 U. S. 18, 23); *Toomer* v. *Witsell* (334 U. S. 385, 402); and then, within the last week or two, which has not had a chance to get into the books, they have decided the case of *Texas and Louisiana* v. *The United States*, and in every single one of them they have held just exactly what is the law, which is, gentlemen—and I am stating it categorically, and no one can dispute it—that no one owns title.

Mr. WILLIS says the Supreme Court did not decree title. No one owns title to the high seas, to say it is to fix the right to take and use the elements in the bed of the ocean. It is like the air we breathe. You do not have a deed or a mortgage or a law giving you any share of the air you breathe to sustain life; yet every baby that comes into the world has a right to breathe, and when we cut it off, it is called murder. So that is not any question. Nobody claims title. The Supreme Court is preeminently right when it says there is no title, but we have the preeminent, paramount, continuing right to control the 3-mile limit because we have treaties with every civilized nation giving us that right abutting or littoral to our shores. That is the whole case.

I think this particular bill is the worst I have ever seen. It is calling card presented to every nation as an invitation to war, because the States here are deeding to the Federal Government that which they do not own and neither does the Federal Government—that is, out to the edge of the Continental Shelf. They are taking a deed to the 3-mile zone, which they never have owned, which the Supreme Court has four times said they do not own; they are seeking to evade what is our sworn duty—to uphold the Constitution of the United States.

Mr. Speaker, oil is one of the two or three most vital resources with which our Nation is concerned. It has been the source of tremendous wealth, and the fight of the greedy interests to control and exploit this resource has been a long one.

From Teapot Dome, out into the Pacific and now into the Gulf of Mexico, the fight of these powerful interests to control the last frontiers of the source of oil rages.

The fate of our Nation may well be said to rest on the control of oil and its production. Our defense, now, in the past, and in the future is and has been dependent upon oil. Without it we are sunk.

This legislation is not new. It has been before the Congress on two other occasions, in the Seventy-ninth and Eightieth Congresses, and was reported out in the Eighty-first but never reached the floor.

The Supreme Court has ruled on this subject three times. In the cases of United States against Louisiana, June 5, 1950; United States against Texas, June 5, 1950; and United States against California, in 1947.

What are the issues involved? This bill is called a tidelands bill. This is a complete misnomer. The tidelands cover the land between high and low tide—nothing else. This bill involves lands under the ocean beyond the tidelands. There is no decision, nor has there ever been a case asserting the fee-simple title to the 3-mile limit or the underwater lands beyond this limit.

In United States against Curtiss-Wright Corp. in 1936, the Supreme Court clearly defined the powers which the States had in matters of this nature. In United States against California, 1947, the Court ruled the State of California is not the owner of the 3-mile marginal belt along its coast.

A year later, the Court spoke through Chief Justice Vinson in Toomer against Witsell that "neither the Thirteen Original Colonies nor their successor States separately acquired ownership of the 3-mile belt."

This legislation has been before Congress on numerous occasions as I said before.

On July 27, 1946, in the Seventy-ninth Congress, the House passed House Joint Resolution 225. This was a State's rights quitclaim bill to the submerged coastal belt. The President vetoed his bill when it was finally passed by the Senate, on the grounds the issue was pending in the Supreme Court —United States against California—and should not be prejudged by Congress. The House upheld this veto.

On April 30, 1948 in the Eightieth Congress, the House passed H. R. 5992, to reestablish title in the States to submerged lands within their boundaries. The Senate did not act on this bill.

In the Eighty-first Congress, H. R. 8137, substantially similar to this present bill, was reported to the House and a rule for its consideration was granted, but it never reached the floor of the House, awaiting a decision in the Texas and Louisiana cases I previously mentioned.

This bill quitclaims to the States and confirms title in the States to submerged lands within their historic and described boundaries. Of course, these historic claims are not founded on decisions of the courts in any case, nor are they in accord with the Constitution. There are no precedents establishing any historic rights involving any State. These lands are subject to the control of the Government, and this control should never be relinquished. These resources, such as this oil, the value of which runs into billions, belong to all the people and must not be turned over to the control of any State or group of States bordering thereon, nor should private interests be permitted to exploit these resources for selfish profit through the subterfuge of paying a toll to one or two or three States.

I shall not take further time to debate this question. I presume the rule is going to be adopted because I know our beloved Speaker and the people of Texas are very much interested in this legislation; in fact, he zealously advocates and supports all legislation of interest to his great State. Yes; this applies also to my able and friendly colleague on the Rules Committee, Mr. LYLE, of Texas, who is handling this important rule, who, like the Speaker, never misses the opportunity of advocating and urging matters that might be of interest to Texas. And this is more or less true of some other gentlemen from Texas, as well as from California and Louisiana, whose States would be enriched by this legislation against the interests of the rest of the Nation.

Unfortunately, there are a few who refuse to realize and recognize the great benefits derived by Texas under the former and present Democratic administrations.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I will take up no further time because I know that others well versed in the legal aspects of this question have much to tell us and I want to give them time to present their case.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABATH. To my colleague on the Committee on Rules I cannot refuse to yield.

Mr. COX. The gentleman will agree, will he not, that the Speaker is usually correct in the decisions he makes?

Mr. SABATH. When it is in the interest of Texas, especially so, I agree. But, of course, he is interested also in the welfare of the country, and I admire him; we honor him. He is a great Speaker, but Texas is nearest to him, and when the interest of Texas is at stake he is always there; and naturally I cannot blame him. But I am interested in all the people of the United States and I do not think we should part with any of the oil that is under the water; it should be preserved for our people. Consequently I think in view of the fact that a bill which would have deprived the Government of title to these lands, was vetoed by the President and that the Supreme Court has ruled on the matter three times. We are wasting our time in again trying to bring it to life and pass it against the best interests of the Nation, especially at this time when everybody recognizes the great need for the preservation of our very valuable oil deposits so vital to our national defense.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, I am very hopeful this rule will be adopted. I shall support both the rule and the bill. Inasmuch as there is seemingly some division of opinion as to the legal effect the Supreme Court decision may have on the ownership of area bordering the Great Lakes and even some areas in or along the navigable rivers of the Nation, I feel that this legislation should be enacted so as to clarify the title of such areas so there can be no question in the future as to who actually has ownership.

In the city of Cleveland, Ohio, many public and other buildings have been erected along the lake front on what was originally a part of Lake Erie but is now filled-in land. Most of the public buildings belonging to Cuyahoga County and to the city of Cleveland are on land that has been filled in. Some of the railroad terminals are also located there. While it might be held by some that title to such property still rests with the State, there is some question about it in the minds of attorneys and others, and certainly in the minds of many of our State officials. The same situation holds true in almost every other great city located on the Great Lakes.

There are also serious questions affecting city, State, and county property rights along some of the navigable streams of the Nation. So it seems to me the logical thing to do is for the Congress to follow through on this matter once more, and do the thing they have attempted to do three times in the past, to fix for all time the ownership of these particular lands and properties. So I shall support both this rule, and the bill it makes in order, and hope all of my colleagues will do likewise.

Mr. Speaker, I also wish to take advantage of the opportunity this time affords to call the attention of the House to page A4721 of the Appendix of the RECORD of yesterday where I inserted as a part of my remarks a great speech by a great American. I refer to the address made by Douglas MacArthur, General of the Army, night before last to a joint session of the General Assembly of Massachusetts.

I especially wish to call the attention of my beloved friend, the majority leader, the gentleman from Massachusetts [Mr. MCCORMACK], to this speech, and to urge him to read it very carefully. When I conclude my remarks I shall be very happy to present him with this particular copy of the RECORD because I know he loves to quote the eloquent words of Douglas MacArthur. The gentleman from Massachusetts [Mr. MCCORMACK] quoted the general earlier this week in answering a statement which I had made on the floor of the House at that time. So I am sure he will want to comment on this latest great speech of General MacArthur.

There are many statements the general made in his appearance before the Democratic House and Republican Senate of the gentleman's own State, in the gentleman's own city, where he was applauded and cheered for his utterances. I feel sure my distinguished friend from Massachusetts will join in agreeing with all of the statements General MacArthur made in that historic meeting in his home city of Boston, and in his home State of Massachusetts, on night before last.

I would like to read at this time, for the benefit of the House and especially for the benefit of my esteemed friend, the majority leader, just a paragraph or two from the MacArthur address. I shall mark several paragraphs in this copy of the RECORD that I will give to the majority leader as soon as I have concluded. Here is a specific paragraph I desire to read:

> Much that I have seen since my return to my native land after an absence of many years has filled me with immeasurable satisfaction and pride. Our material progress has been little short of phenomenal.
>
> It has established an eminence in material strength so far in advance of any other nation or combination of nations that talk of imminent threat to our national security through the application of external force is pure nonsense.

And listen to this:

> It is not of any external threat that I concern myself but rather of insidious forces working from within which have already so drastically altered the character of our free institutions—those institutions which formerly we hailed at something beyond question or challenge—those institutions we proudly called the American way of life.

Then I would like to read another paragraph or so:

> The free world's one great hope for survival now rests upon the maintaining and preserving of our own strength. Continue to dissipate it and that one hope is dead. If the American people would pass on the

standard of life and the heritage of opportunity they themselves have enjoyed to their children and their children's children they should ask their representatives in Government:

"What is the plan for the easing of the tax burden upon us? What is the plan for bringing to a halt this inflationary movement which is progressively and inexorably decreasing the purchasing power of our currency, nullifying the protection of our insurance provisions, and reducing those of fixed income to hardship and even despair?"

I fear these questions, if asked, would be met by stony silence. For just as in Korea there has been no plan. We have long drifted aimlessly with the sole safeguard against the ineptitude of our leaders resting upon American enterprise, American skill, and American courage. But once the incentive for the maximizing of these great attributes is lost the bulwark to support our failures is gone and the American way of life as we have known it will be gravely threatened.

Mr. Speaker, there are many other paragraphs I would like to read but time will not permit, so I present, with my compliments, this copy of the RECORD to my beloved friend, the gentleman from Massachusetts [Mr. MCCORMACK], so that he may have it for future reference, with the hope he will quote from it long and often here on the floor of the House in the future.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. FISHER].

Mr. FISHER. Mr. Speaker, I rise in support of the resolution and the bill which this resolution will make in order. It confirms title in the States to submerged lands in the rivers, lakes, and the land along the border of the coast lines commonly referred to as tidelands.

This House has acted on the subject on two prior occasions and both times did so by decisive majorities. The last time, during the Eightieth Congress, there were only 29 votes cast against a measure to confirm by an act of Congress the superior rights of the States to submerged tidelands.

It is an interesting thing to look back and observe that for 150 years no one even questioned the prior rights of the respective States to these submerged lands. Then in 1933 Harold Ickes, then Secretary of Interior, aided and abetted by certain men who were apparently dominated by a desire to extend the power and control of the Federal Government, advanced the novel idea that Uncle Sam should claim title to the submerged areas involved. There had been some oil development along the coasts of California and Texas and they saw visions of new ventures for an all-powerful Federal Government.

Then followed assertions of claims and the Supreme Court finally passed upon the issues involved. In a 4-to-3 decision the State of Texas was stripped of its oil-rich, submerged tidelands, and the decision was based upon a theory that the Federal Government holds a paramount right to such resources in the interest of national security. The opinion amounted to judicial confiscation of property that for 150 years was claimed by, used by, and the title to which was recognized to be in, the State of Texas.

Mr. Speaker, this Supreme Court decision, based upon political rather than judicial reasoning, if permitted by this Congress to stand may be, and in my judgment will be, one of the most dangerous departures from American jurisprudence that has ever happened. Under such a precedent, if permitted to stand unchallenged by corrective legislation, the Federal Government can make vassals out of the individual States and their constitutional rights as sovereigns within the confines of their own defined limitations.

The decision also marks a precedent of dangerous import from another standpoint. That particular decision completely abrogated a solemn agreement between the Federal Government and the sovereign State of Texas whereby the Federal Government agreed when Texas entered the Union, that the then defined boundaries of the Republic of Texas would remain inviolate. Those boundaries were established not by conjecture or guesswork, but by metes and bounds to include the tidal area along our seashore. If the Supreme Court can abrogate the solemn contract in the name of paramount interest, equal footing, and where national security is involved, then by the same token the Federal Government can break contracts, violate established rights, jurisdictions, and rights of the respective States with respect to any other claim some future bureaucrat might dream up.

It is generally recognized that under the Texas case, Federal Government may with equal legality lay claim to the gravel under the ground, the coal, oil, and other minerals that are deposited beneath the soil whether along the seacoast, under a lake bed, or elsewhere. In other words, the decision is a most dangerous one if we are to continue to be a nation where individual States retain rights defined in and guaranteed by the Constitution.

It is just lust for power, such grasping for authority and added jurisdiction that has destroyed other democratic governments and it can happen here. Are we traveling toward an all-powerful, paternalistic central government, where the people of all the States will be dependent upon Washington for everything? I fear there are a good many people who hope so.

Mr. Speaker, I have no disposition to belabor the issue. The subject will be thoroughly developed by others during the course of debate. There is a fundamental issue of States' rights, of recognition of basic principles, involved in the outcome, and I feel confident this House will do justice to the situation when the votes are recorded.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, I am in complete accord with the purposes of the Walter bill and I strongly favor its enactment. It simply restores and protects the time-honored legal rights of the States of the Union to the lands, properties, and resources within their boundaries. It carries into effect the admonition of the Supreme Court in the unfortunate California case (332 U. S. 19, 35), wherein the Court expressly pointed out that under the provisions of the Constitution—article 4, section 3, clause 2—it is the responsibility and within the power of the Congress to "dispose of and make all needful rules respecting the territory or other properties belonging to the United States." The Court in that case further stated that "the constitutional power of Congress in this respect is without limitation" (*United States* v. *San Francisco* (310 U. S. 16, 29–30)).

To those who criticize the holding of the Supreme Court in the California case, as well as its later decisions in the Louisiana and Texas cases, I would repeat that the Supreme Court has, in effect, suggested that the Congress proceed to perform its constitutional power and duty to enact laws and make all rules that are necessary in connection with the so-called tidelands or submerged lands areas. This bill will do just that.

One other thought in connection with the enactment of this bill: it will not only comply with the constitutional power and authority of the Congress to act in this respect, and concerning the particular properties within the boundaries of the several States and those who hold under the authority of the States, but it will have the effect of preserving and extending the separate powers and duties of our Government, as set forth in the Constitution, the legislative, executive, and the judicial branches.

This bill will have the effect of reminding all concerned—the courts, the executive agencies, and the public at large—that the Congress of the United States fixes national policies; that it enacts laws in the public interest, and that it directly represents, as our Constitution and form of government intends, the people of all the States, and the Nation at large.

Mr. LYLE. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I think it is generally agreed here that this resolution will pass and that the bill itself will pass by a substantial majority. Certainly within the 3 minutes allotted to me I could not undertake to discuss the merits, the legal and constitutional questions involved. However, I should like to record the fact that I am very much for the pending bill. While it is true that my congressional district borders on the Gulf of Mexico and that large potential oil developments exist there, my interest in the proposed legislation goes beyond that. This is a question of States' rights. It is an effort to prevent further encroachment on the rights and property of the several States of the Union by the Federal Government. Therefore, I would support this proposed legislation if I were a Representative of Colorado or some other interior State.

However, Mr. Speaker, with your indulgence and the indulgence of the House, I should like to take these couple of minutes to pay my respects to a gentleman who is very much identified with this legislation. Mr. Speaker, there have

been a large number of bills introduced more or less similar to the one now being considered, whose author is the able gentleman from Pennsylvania [Mr. WALTER] during the past several years, seeking to quiet the title to these lands in the several States. In fact, I have introduced two or three of these bills myself. But no one has devoted more time, more energy, or has been more effective in pursuing this matter than has the distinguished gentleman from Texas [Mr. GOSSETT]. I think we are all aware of the fact that at the end of this month the gentleman from Texas [Mr. GOSSETT] is voluntarily retiring from his services in this Chamber. I am also sure that, regardless of political or party alinements, the membership of this body regrets that ED GOSSETT is leaving us for new fields of endeavor. There are those among us no doubt who disagree with his philosophy of government, as will be exemplified here today by their opposition to this bill, which itself is in line with his philosophy. On the other hand, I doubt if there is a Member of this House who does not respect his integrity, his intelligence, and his personal and political courage.

ED GOSSETT is a conservative by nature. I have observed his efforts and his legislative conduct with great approval and admiration in the time that he has been a Member of this body. I know of no Member who has contributed more in the short time that he has been a Member of this House toward the advancement of good stable government and the preservation of this great Republic, to which he is so devoted, than has the retiring gentleman from Texas.

I am sure, Mr. Speaker, when our beloved friend, ED GOSSETT, retires from this Congress in a few days he will carry with him the confidence, admiration, and the good wishes of his colleagues who have learned to respect him so much during his tenure here.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. BECKWORTH].

Mr. BECKWORTH. Mr. Speaker, as a former teacher and as the son of a teacher, I am very interested in the passage of the tideland legislation which is being brought to the floor of the House today. I have always favored the legislation to make sure that the tidelands belong to our States. I include at this point some remarks I have heretofore made on this subject. They were made June 26, 1950, and appear in the CONGRESSIONAL RECORD, volume 96, part 7, page 9212:

Mr. BECKWORTH. I want to compliment my colleague on the excellent presentation he has given to the House, and to call to the attention of the House the fact that there is no person in this country more qualified to give a fair and concise statement than the gentleman who has spoken, for through the years he has been one of the high judges of the State of Texas, and has studied every problem that has come before him, in the most diligent manner possible. I think we all recognize the unassailable argument he has made. It is my hope that those who have not been privileged to hear him this afternoon will at least take the time to read that which he has said, for I cannot help but believe if that is done we shall win the fight which we know is right, to wit, the retention of the tidelands for our State.

Our school people in Texas are vitally interested in this legislation. No group has worked harder to retain the tidelands for Texas than our teachers and our State Teachers Association. I strongly favor this rule and shall again support the legislation as I have always supported and favored it in the past.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Louisiana [Mr. ALLEN].

Mr. ALLEN of Louisiana. Mr. Speaker, I rise in support of the rule and also of the bill. This question has been before the Congress and the people for several years. I have in previous Congresses introduced bills on the subject myself and many other Members of the House have done likewise. It seems to me that it is important that the ownership of these submerged lands be settled by the Congress and settled now. Because of the decisions of the Supreme Court, great confusion has arisen over the ownership of these lands. The question should be settled so that the lands in question might be developed without confusion and strife.

Mr. Speaker, it has been said by some who are opposing this legislation that this is a bill for the big oil companies. Nothing could be further from the truth. As a matter of fact, I understand that the big oil companies do not want this legislation. It is easier for them to deal with the Federal Government. The States have pretty strict conservation laws and regulations and it is my information that the oil companies feel that they would be in a better position to deal with the Federal Government than with the State governments concerned. There is therefore no basis whatsoever for the charge that this is a bill for the oil interests.

While the question of oil under the submerged lands of only three States—California, Texas, and Louisiana—is stressed by those who are opposing this bill, it is well to bear in mind, Mr. Speaker, that this legislation directly concerns every State in the Union. Do not forget that the injustices which are being heaped upon Louisiana, California, and Texas today in this matter may tomorrow be heaped upon the State of each Member here. I understand that practically every State in the Union has some submerged lands, river bottoms, lake bottoms, and coastal areas that are involved. This issue therefore is as much the fight of the Members of the House coming from inland States as it is those coming from States having coastal waters.

Mr. Speaker, this is purely a grab by the Federal Government that has for many years now been expanding its controls and power over the people of the Nation and even over the governments of the several States. This process of expansion of Federal power has already gone too far, much too far. The submerged lands involved in this bill for 150 years have been considered by everybody as belonging to the several States. A long line of decisions of the Supreme Court supports that statement and conclusion. It has only been within recent years when a greedy Federal Government, desiring more cash and more power reached out with a long arm to take over these properties which have long been considered the property of the States. Unless the Congress of the United States, representing the people, has the determination to stand up and stop this grab for property belonging to the States, there is no telling what the end will be.

I have already pointed out, Mr. Speaker, that practically all of the States, inland and coastal, have some submerged lands affected by this bill, but the issue goes much further than oil. Do not forget that oil is but one phase of this fight. If the Federal Government has the authority to take over oil lands in a coastal State, then it has that authority to take over oil lands in inland States—lakes and river bottoms. If it has authority to take over oil lands, it would have authority to take sand and gravel from these waters. If it has that authority, it would probably have authority to take over the vast fishing industry in coastal waters, and also inland waters. It is, therefore, evident, Mr. Speaker, that this oil grab is only the beginning and that unless this grab is resisted by the Congress, the time may come when the Federal Government will assert control and ownership over many of the natural resources in every State of the Union. In fact, Mr. Speaker, in theory there can be almost no limit to what some future Federal official may think up and claim for the Federal Government. Who knows but what some ambitious Federal official will insist that the Federal Government has the claim to all oil and gas, and salt, and coal, and other minerals on the theory that the Federal Government once owned these lands. Someone may say that this idea is very farfetched. Yes, it is, but it is probably no more farfetched than the idea a very few years ago advanced that the Federal Government owned and controlled submerged lands in coastal waters and in inland States, too. I feel that this grab for submerged lands is a starting point of a vicious cycle which will all but destroy the States themselves.

The time, Mr. Speaker, to stop this is now. The hour is late. These grabbers, these theorists, have gone too far already. I hope that this House and that the other body will pass this legislation overwhelmingly. Let us act courageously today for the rights of the people and for the rights of the several States.

Mr. LYLE. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I read in our National Constitution that the Congress is expressly charged with the responsibility of promoting the general welfare and providing for the common defense.

I insist, Mr. Speaker, that the legislation for which this rule is requested, namely, this plan to dissipate a great national resource, is not in the interest

of our general welfare. It weakens rather than strengthens our national defense.

When I entered the Congress in 1945, one of the first pieces of major legislation that engaged my attention was an effort on my part to block a moratorium in favor of some 84 stock fire insurance companies that had been convicted in the Federal courts—including the Supreme Court of Appeals—of practicing discrimination in rates.

I denounced that proposal to set aside by legislative fiat, a conviction by the highest judicial tribunal in our Nation. I want with equal vigor, to register my objection to this similar attempt to destroy by legislative fiat repeated decisions of our highest court, that promises so much for the common good and vitally affects our urgent defense efforts.

It is significant, Mr. Speaker, that one of the three Members of Congress who, in 1945, spearheaded the move to discredit our courts by sponsoring the insurance moratorium, is today the sponsor of legislation that can have but one result and that is to weaken the confidence of the American people in the stability, the honesty, and the fairness of our judicial procedures.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. BAILEY. I yield.

Mr. WALTER. I am sure the gentleman did not intend deliberately to deceive the House. The fact of the matter is the insurance moratorium bill merely restated what the law had been for 75 years.

Mr. BAILEY. The gentleman is speaking on my time.

I want to plead with you, my colleagues, not to tread on this dangerous ground. Many of you, particularly my colleagues on the left of the center aisle, were both vehement and vociferous in your denunciation of the late President Franklin D. Roosevelt for endeavoring to pack the Supreme Court by getting rid of the "nine old men" in favor of younger blood and more liberal ideas.

Today's proposal by the oil lobby makes the former President's action look tame indeed. Here and now, in the span of a few short hours and on the floor of the greatest and most deliberate legislative body in the world, they propose to do what you, the Congress and American public opinion, refused to allow a President of the United States to do.

The founding fathers in their great wisdom and foresight gave us a Constitution that makes abundantly clear the need for separate and independent action on the part of our legislative, executive, and judicial procedures.

Shall we now, after nearly two centuries of obedience to their mandate, deliberately flaunt our National Constitution and make a shamble of the Halls of Congress in order that a clique of greedy millionaires may have a field day at the expense of the common citizen and to the detriment of our defense effort.

Though my voice may ring through these sacred Halls as the voice of one crying in the wilderness, I make bold to denounce this rape of the judiciary. I protest this proposed insult to the intelligence and integrity of every Member of the Congress. As a layman I plead with you, many of you as members of the bar, I plead with you to defeat this rule.

Mr. ALLEN of Illinois. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CRAWFORD] such time as he may require.

PROPOSAL FOR TRANSIT INVESTIGATION

Mr. CRAWFORD. Mr. Speaker, on Monday, July 23, I addressed the House on the need for a thoroughgoing investigation of transportation facilities here in the metropolitan area. I mentioned that four distinict agencies are responsible in one way or another for local transportation. In addition, I indirectly questioned the business competency of the administrators of local transportation. Because of an additional request for a fare increase, and because of many complaints about local transit service, several people have urged a real investigation. The gentleman from Maryland [Mr. BEALL] has introduced a resolution to that effect.

Mr. Speaker, there are a number of issues which this investigation should seriously consider.

For example, from 1947 until 1950, the Capital Transit Co. has decreased its mileage of service by some 8,000,000 miles. In 1947 the cars and busses covered approximately 48,000,000 miles in their runs. In 1950 they covered only about 40,000,000 miles. During this same period of time, the fare was increased from 10 to 15 cents. The increase was roughly 50 percent for cash fares, about 60 percent or so for tokens and passes, the latter depending upon how frequently the passes are used.

The earnings of the Capital Transit Co. are also of interest. The stock dividend paid for the first 6 months of 1950 was 87 cents per share. For the first 6 months of 1951, $4 per share was paid.

Here I am, not attempting to judge people or business firms; I am merely pointing out that there is vital need for a top-notch investigation of this whole set-up.

There are a number of important matters which the investigation should consider. One of the most fundamental of these, it seems to me, is the need for maximum utilization of equipment on the part of CTC. Reports come to me that much equipment sits around in the yards, some of it even at rush hours when trolleys and busses are painfully jammed.

Another problem is the use of trolleys. The company has considerable sums invested in cars and in underground conduits. Yet trolley transportation precludes express service, and in rush hour it is quite unsatisfactory.

The company wishes another fare increase. Short-haul traffic has already declined. People will not pay a high fee to ride only a few blocks downtown. And without short-haul fares, CTC naturally has to get revenue some place, so it raises fares, an inconvenience to long-haul passengers who probably cannot do without public transportation. The investigation should attempt a solution for this vexing problem.

Mr. Speaker, what is the nature of CTC's business? It is public. But CTC operates under a franchise. Therefore, its efficiency and competency as a business is vital. The Committee on the District of Columbia should as soon as conveniently possible get to work on an investigation. The gentleman from Maryland [Mr. BEALL] and the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON] should be supported in their legislative efforts to bring about an investigation.

If the businessmen who are operating this public transportation are not fully capable, we should know about it. If they are not interested in the public welfare, we should know about it. Because of the many complaints of recent, and the many possibilities for improvements, the Committee on the District of Columbia should begin this investigation.

Mr. Speaker, under leave granted me, I include an editorial from the Evening Star, Thursday, July 26, 1951, which follows:

MUDDLED TRANSPORTATION PROBLEM

Representative CRAWFORD, of Michigan, has given a needed boost to the developing movement for a comprehensive investigation of the muddled public transportation situation in the Washington metropolitan area. The situation is muddled for the reason that there are four different regulatory commissions functioning in the area, as Mr. CRAWFORD stressed in a House speech. Only one of the agencies, the Interstate Commerce Commission, has any over-all authority—and this is limited by law and appropriations. There is little question as to the power of the ICC, however, to make a study of regional mass-transportation problems, as proposed by governmental and civic interests. Mr. CRAWFORD wants the House District Committee to "add its strength to those requesting such an investigation."

If the ICC is awaiting a directive from Congress before taking action, this authority may be forthcoming before long. Senators BYRD and ROBERTSON, of Virginia, are the latest supporters of legislation to provide for the inquiry. They have introduced a companion piece to Maryland Representative BEALL's bill for a broad bus-streetcar study in the Washington metropolitan area. The inquiry would be unusual, but not without precedent.

Advocates of the investigation point out that the ICC last year conducted a somewhat similar study of transit difficulties in the Omaha-Council Bluffs metropolitan area. These two cities are separated by the Missouri River. Two transit companies serve them. As a result of complaints of inadequate services and double fares for those riding from one city to the other, the ICC launched a study of the whole area. It rules that the evidence "not only amply supports, but in our opinion requires, the conclusion that the two cities comprise a single metropolitan community and should be afforded a transportation service that will enable the public to travel from any section of the area to any other section at a single fare."

Under the proposed congressional resolutions, the ICC would be asked to study the adequacy and convenience of passenger carrier facilities and service and the reasonableness of fares in the metropolitan area of Washington, D. C., including the District of Columbia, Montgomery County, and Prince Georges County, Md., and Arlington County,

Fairfax County, and the cities of Falls Church and Alexandria, Va. The inquiry would be made in cooperation with the Virginia Corporation Commission, the Maryland Public Service Commission, and the District Public Utilities Commission, to the extent deemed necessary by the ICC.

The local problem is more complex than that which confronted the ICC at Omaha and Council Bluffs. Instead of two companies, it would have to study the operations of more than half a dozen companies which carry passengers by bus or streetcar within the Washington area. There are no transfers between the different lines, although there is, by ICC order, a joint-ticket arrangement between the Capital Transit Co. and two Virginia bus lines—for the benefit of employees at the Pentagon, the Navy Annex, and other nearby Federal installations. The authority of the ICC to issue the joint-fare order, despite the fact that Capital Transit is not engaged in interstate commerce between the District and Virginia, has been upheld by the Supreme Court.

Whether the ICC is the best agency to make such an investigation, even though it may have full authority is another question. There is mounting sentiment for a special body to perform regulatory functions in this region—functions which now are outside the scope of the District, Maryland, and Virginia commissions, but which are of mutual concern to all the communities within the region. If the ICC does no more than pave the way for creation of such an agency, it will have made a worth-while contribution toward joint solution of the metropolitan area's mass-transportation difficulties.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the remainder of the time to the gentleman from Indiana [Mr. HALLECK.

Mr. HALLECK. Mr. Speaker, the legislation which we are considering here is similar in many respects to other submerged lands legislation which we have taken up in years past and during the time I have been here. I have supported that legislation and I support the legislation we are considering now.

My stand is consistent and in line with the thinking of citizens and officials of my own State of Indiana. Most recent expression of that viewpoint is contained in a telegram which I have received from the Honorable J. Emmett McManamon attorney general, State of Indiana, which reads as follows:

Hon. CHARLES A. HALLECK,
Capitol Building,
Washington, D. C.

We earnestly solicit your serious attention and consideration of H. R. 4484 to be considered on floor of the House this week. May become most important to Indiana's title to its State land under Lake Michigan by constitutional boundaries.

J. EMMETT MCMANAMON,
Attorney General, State of Indiana.

This controversy over ownership of submerged lands is just one more in a series of bare-faced attempts by advocates of Federal control to run roughshod over the historic concept of rights enjoyed by the several States and by the citizens within those States.

Once again we face a familiar issue: encroachment by big government.

Once again that encroachment is cloaked in the all-too-familiar guise of beneficent paternalism.

Once again the Congress is called upon as a bulwark to resist the schemes of the planners who would chip away, piece by piece, the foundation of American freedom established by custom and the Constitution.

These attempt to extend the scope of Federal power at the expense of State governments and the individual all have a familiar pattern.

The propaganda accompanying these attempted grabs would have the people believe that only the Federal Government can be trusted to develop our resources and spend the proceeds.

By the same token, we are asked to believe that State governments are for some vague reason unfit and incapable of exercising the sovereign rights reserved for them by the Constitution.

More than that, we are warned that natural resources, left to the administration of our States, will be ruinously exploited, looted, plundered, and laid waste, while only under the protecting arm of the Federal Government will these same resources be conserved, developed, and the proceeds employed only in the best interests of the greatest number of people.

It is the old theme that Washington knows best. The very history of this Nation's progress belies that contention. The history of any nation's progress belies that contention.

Certainly it can be shown that in the great enterprise of developing this Nation's oil resources the States have demonstrated their ability and determination to work out comprehensive programs for the conservation of this natural resource and for economy in the manner in which it is taken from the ground. No one can deny, in fact, that the States have taken the lead in the promotion of careful practices which insure against waste in the recovery of this resource.

How very familiar, too, is the technique employed by the schemers who will miss no chance to lead this Nation down a road of increased Federal authority at the expense of individual liberty and State prerogatives.

That technique involves wrapping these plots in the flag—calling for action in the name of national defense—or cloaking it in some other device designed to place every opponent, no matter how sincere, in a compromising light.

In the instance of the submerged lands controversy proponents of Federal ownership have again resorted to this now time-worn and transparent device. We are assured blandly that Federal proceeds from exploitation of these lands will be used for purposes of education.

It is a neat trick; bring national defense or the education of our children into the picture and dare anyone to oppose the project.

Or link the determination of the several States to stand up for what has been theirs without question—link that determination to "special interests" and dare anyone to stand with the States.

I cannot believe the Congress is going to be bullied by this unconscionable attempt to confiscate property.

I do not think this Congress believes that only by Federal control can the interests of this Nation be served, and that the several States are, in fact, 48 scoundrels not to be trusted with the wealth which is within their historic borders.

In the past two decades I have seen the Federal Government encroaching, by every conceivable device, on the ability of the various States to run their own affairs and to keep their own financial houses in order.

Back of this movement has been an insatiable appetite on the part of the administration for new sources of revenue. Many of our States today, their citizens bled white by the tax demands of a growing bureaucracy, are finding themselves with backs to the wall for want of ways to raise adequate funds for the maintenance of routine services to their people.

Let us not delude ourselves. The real reason why the advocates of Federal ownership over submerged lands are so insistent in their claim is that it represents a new opportunity to sap the potential vitality of States, keeping them in bondage to a giant paternalism.

Much stress has been laid, in this argument, on decisions by the Supreme Court concerning this matter.

We must never forget that the laws of this land are conceived first, last, and always by the Congress of the United States, and by no other department of the Government.

In this case we are faced with an absence of written, definitive law. We have been operating under an accepted precedent which has gone unchallenged down through the years to modern times.

It is the duty of this Congress to place on the books a statute which will affirm for all time the unwritten law under which we have operated for so many years. To me it is significant that we were not faced with this problem until the hot eyes of the power-grabbers saw possibilities for challenging a historic fact to further their drive toward Federal dominance.

To deny affirmation of the basic principle before us here is to open the door to an increasingly vociferous campaign for even greater control over the traditional and sacred property rights of the States and our people.

Let us not be misled by deliberate attempts to confuse and ensnarl argument on this matter.

This is basically an issue involving the rights of States and an attempt by advocates of absolute Federal power to usurp those rights.

It is an issue which must be resolved by the Congress.

It is an issue which I sincerely believe must, in all fairness and in compatibility with honor and tradition be resolved in favor of the States.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am opposed to this bill and to the rule. I am opposed to the rule of H. R. 4484, known as the tidelands bill and I am also opposed to the passage of this bill.

The Supreme Court of the United States, on three different occasions, has held that the various coastal States owned the land underneath the ebb and

flow of the tide, but that the Federal Government is the natural and inherent owner of the lands beyond the tidelands.

This legislation, if enacted into law, will place under the control of California, Texas, Louisiana, and other coastal States the great bulk of underlying oil reserves beyond the tide line and the value of these reserves are roughly estimated from thirty-five billions upward. The proponents of this legislation draw a red herring across the real issues by talking about the bill giving the various States rights to lands adjoining and underneath inland rivers, lakes, and so forth. This contention is fallacious and in direct contradiction of the facts. The proponents of this bill desire to keep as far away as possible from the fact that by placing these unlimited oil reserves beyond the coastlines of the United States in control of the various States, it would eventually cause the Federal Government to lose jurisdiction and control over billions of dollars worth of oil which some day our Navy, Air Force, and Defense Departments will need for our national protection. When they talk about this bill upholding States rights, they are merely trying to take the minds of the Members of this House and the American public off the fact that the primary purpose of the bill is to divert these vast coastline oil reserves away from the Federal Government and place them under the jurisdiction of the several States so the oil companies can eventually secure ownership of billions upon billions of dollars worth of Federal oil production.

President Truman and several Attorneys General have fought and opposed this legislation when it was considered by the Congress on former occasions. One of the reasons why the Democratic Party has won every Presidential election in 20 years is that fact that our two Presidents and the majority of the Democratic Members of Congress have opposed legislation of this type which would dissipate our natural resources for the benefit of special privilege and private plunder.

Each State which was admitted to the Union after our Thirteen Original States, had the same equal rights with the Original Thirteen States. Although there was no specific grant conveying fee simple title to the 3-mile zone to the Federal Government, neverthelss the right to conserve, take, and use the petroleum in the bed of the marginal sea is under the control of the Federal Government. It is an inherent sovereignty which existed long before the Constitution and which is confirmed by that document. The right of all the people of the United States, acting through their National Government for the use of this submerged oil, is like the personal right to breathe the free air.

The issue is clear and I do hope that the membership will not dissipate our natural resources at the behest of oil interests who are promulgating this bill. Let us not cripple national defense for future generations.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from Louisiana [Mr. PASSMAN].

Mr. PASSMAN. Mr. Speaker, I rise in support of the resolution and the bill.

Mr. Speaker, I rise in support of H. R. 4484, the bill that has for its purpose to settle forever the fact that the States are the owners of the tidelands, the submerged lands, including the soil under navigable inland waters. Since the founding of our Nation the States have exercised sovereignty over submerged lands, including tidelands and soils under all navigable waters in their territory or jurisdiction, whether inland or not.

Through the years there never appeared to be any question about State ownership of the tidelands until recently when the Supreme Court, by a narrow decision, ruled, in part, otherwise.

During the course of debate, sufficient evidence will be offered to remove any doubt whatsoever from the minds of those who wish to protect the Constitution and States' rights and the sovereignty of the States as intended by our founding fathers which is so thoroughly defined in the Constitution.

It is not easy for any of us to be unfairly critical of our fellow Americans, whether they be Members of Congress, the Supreme Court or in the executive branch of the Government, but if we would only stop and think of the encroachment of the Federal Government upon States' rights during the past 18 years, it would be a revelation. Some of the things that many of our fellow Americans are now inclined to approve would have been entirely foreign 15 to 20 years ago because little by little States' rights are being usurped. If this Congress or some future Congress neglects its duty to reverse the decision of the Supreme Court and thus permit its decision to stand with respect to lands beneath our ocean waters and other submerged lands, then, in my opinion, it will be the beginning of the end to sovereign States as our forefathers intended for them to be and which meaning is so plainly defined in the Constitution. We are bound to agree that some courts have gone far afield in their interpretation of the Constitution, and to pass H. R. 4484 would have a wholesome effect upon the entire Nation and would demonstrate very clearly that the Congress still has sufficient power, as the Constitution intended, to rectify errors by the courts and the executive department which have gone far to circumvent the Constitution.

Mr. LYLE. Mr. Speaker, I yield such time as he may desire to the gentleman from South Carolina [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I am in favor of the passage of this bill. When a measure, almost identical with it was on the floor of the House in April 1948, I spoke in favor of its passage then. We passed that bill in the House, by an overwhelming majority, but it was too late for the Senate to act upon it.

The California case had been decided by the Supreme Court when we had this measure up before. Since then, the Louisiana and the Texas cases have been decided. These cases upset over fifty-three previous decisions of our Supreme Court, where it had been decided, or at least held to be the belief of our people in this country, that the people of the States had control of the land under the inland navigable waters, and out to the historic 3-mile limit at sea.

These decisions certainly have a direct as well as an indirect bearing on my State. According to figures made available to me, we have in South Carolina 461 square miles of inland waterways and 561 square miles of marginal sea territory. It is of utmost importance to the happiness of the people of my State that any question as to title or ownership or control of the soil beneath our inland navigable waters or within the 3-mile limit out at sea, be quieted.

Where the United States Government is concerned, I like to think of our marginal sea territory, and our inland waterways, as highways, over which the Federal Government has a right to travel and to direct travel. I like to think of the Federal Government's use of these waters in the same way that the use would be treated in the business world, namely, as an easement. We have always considered these stream beds and lake beds, and the bed under the marginal sea, as coming within the province of State sovereignty. We have always believed that the natural resources underlying these streams and lakes and sea, as being the States' to use and enjoy. We do not question the right of the Federal Government to use these waterways in keeping commerce open to the various States, or of exerting the Federal sovereignty in any way, always keeping in mind, however, that the Government merely has an easement or right-of-way, but that the property itself over which the easement or right-of-way exists, is peculiarly the States'. In my State we have some mining interest, and especially fine kaolin deposits. I see little, if any, distinction, between the Federal Government's claim to minerals or resources under the waters of our lakes and streams and marginal sea, and a like claim of the Federal Government to these other mineral deposits inland. If by court decision, our right to one, which has existed for many decades, may be stricken down, then it may follow that our right to the other, may likewise be taken from us.

South Carolina enjoys a large fishing business, and it constitutes income for a large group of industrious people. The cases recently decided by the Supreme Court decreed paramount power including the right to appropriate all the resources of the soil under the water area without compensation to the State. In another decision of the Supreme Court, involving fishing off the coast of South Carolina, entitled "*Toomer* v. *Witsell*," reported in Three Hundred and Thirty-fourth United States Reports at page 385, the Court said among other things:

> While *United States* v. *California* does not preclude all State regulations of activity in the marginal sea, the case does hold that neither the Thirteen Original Colonies nor their successor States separately acquired "ownership" of the 3-mile belt.

Thus it may be seen, that if the State does not have all regulations under the sea and under the streams and lakes of the State, the question arises as to just what rights, if any, the State has. In view of these decisions, a question exists in the minds of people who earn their livelihood from the fishing industry, as to how long this business will be permitted to go unrestrained of Federal control. Absolute deprivation of compensation to the States for these minerals and resources has resulted from the Court's decisions in the California, Louisiana, and Texas cases. It seems to me that this measure under consideration merely returns to the States what recently for the first time was decided not to belong to the States. I believe this a good bill, a just bill, and I sincerely hope that it will be enacted into law.

Mr. LYLE. Mr. Speaker, I yield to the gentleman from Oregon [Mr. ANGELL].

(Mr. ANGELL asked and was given permission to revise and extend his remarks and include certain excerpts.)

Mr. ANGELL. Mr. Speaker, I introduced on January 15, 1945, House Joint Resolution 67 which had for its purpose a declaration of the policy of the Government of the United States in regard to ownership and title to tide and submerged lands. I introduced similar resolutions in previous Congresses. The purpose of these resolutions, as stated thereon, is to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States, and to prevent further clouding of such titles. I favor the passage of H. R. 4484, which carries out the objectives of these resolutions.

While it is true that oil deposits on submerged land has given rise to this legislation, the principle involved is applicable to all interests in such lands and is equally applicable to every State in the Union having submerged lands, and particularly to those States bordering upon the ocean. Oregon has no commercial oil fields but is interested in the broad question involved as it is equally applicable to docks and to the structures over waters adjacent to the shore line, as well as to mineral deposits under the waters.

The contention has been raised by certain officials and by the institution of a suit in the courts that neither the individual States nor the United States has title to the submerged lands below low-water mark and extending out to the 3-mile limit, but that the United States, by virtue of its power to regulate interstate and foreign commerce, and to provide for the national defense and maintain a navy, and by reason of its national sovereignty, has a right to appropriate petroleum products in the submerged lands below low-water mark and within the 3-mile limit.

Mr. Speaker, I maintain the following propositions:

First. Title to the submerged lands in question is owned by the State in whose territory the lands lie.

Second. The United States has no title of any kind in and to these lands or to the petroleum products or minerals under the soil. Its only rights therein are such as are given to it by the Constitution, extending power over interstate and foreign commerce.

Third. Under the Constitution, the United States is a government of delegated powers and has only such national sovereignty as is given to it by the Constitution. The States retain all the sovereign powers they originally had before the compact was entered into in establishing the United States, and all of these residuary powers are still held by the States except the powers delegated by the Constitution to the United States.

Fourth. The National Government has the right to provide and maintain a navy and provide for the national defense, but in doing so it is subject to the provisions of the Constitution and cannot deprive a State or an individual of its property or rights without due process of law, including just compensation.

I call attention to the act of Congress admitting the State of Oregon into the Union, wherein it is provided in section 1:

Admission of State—Boundaries: That Oregon be, and she is hereby, received into the Union on an equal footing with the other States in all respects whatever, with the following boundaries: In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to wit: Beginning one marine league at sea, due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly, at the same distance from the line of the coast lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly, to and up the middle channel of said river, and, where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla Walla, where the forty-sixth parallel of north latitude crosses said river; thence east, on said parallel, to the middle of the main channel of the Shoshone or Snake River; thence up the middle of the main channel of said river to the mouth of the Owyhee River; thence due south to the parallel of latitude 42° north; thence west along said parallel to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia River and Snake River, concurrently with States and Territories of which those rivers form a boundary in common with this State.

There are two provisions of this act that are important in considering this legislation: First, Oregon was admitted into the Union on an equal footing with all other States in all respects whatever; second, it is recognized that the territorial boundaries of Oregon extend one marine league at sea. From this specific provision it was recognized by the United States in its compact in admitting the State into the Union that the submerged lands in question are a part of the territory of Oregon. The rule with respect to ownership of the submerged lands lying above low-water mark and those lying outside of the low-water mark and to the 3-mile limit is the same. The courts have made no distinction with respect to such submerged lands.

The question of the title and ownership to these submerged lands in Oregon has been adjudicated by the United States Supreme Court on two separate occasions. The cases to which I refer are *Shively* v. *Bowlby* (decided March 5, 1894 (152 U. S. 1)), and *United States* v. *Oregon* (decided April 1, 1935 (295 U. S. 1)). It is submitted that the principles of law enunciated in these two decisions determine definitely that the title to the submerged lands under consideration is vested in the State, and the Federal Government has no title therein or any interest or control over them other than such rights as have been given to the United States by the Constitution with respect to interstate and foreign commerce.

The Court in Shively against Bowlby said:

I. By the common law, both the title and the dominion of the sea, and of rivers and arms of the sea, where the tide ebbs and flows, and of all the lands below high-water mark, within the jurisdiction of the Crown of England, are in the King. Such waters, and the lands which they cover, either at all times, or at least when the tide is in, are incapable of ordinary and private occupation, cultivation, and improvement; and their natural and primary uses are public in their nature, for highways of navigation and commerce, domestic and foreign, and for the purpose of fishing by all the King's subjects. Therefore the title, jus privatum, in such lands, as of waste and unoccupied lands, belongs to the King as the sovereign; and the dominion thereof, jus publicum, is vested in him as the representative of the nation and for the public benefit (p. 11).

In England, from the time of Lord Hale, it has been treated as settled that the title in the soil of the sea, or of arms of the sea, below ordinary high-water mark, is in the King, except so far as an individual or a corporation has acquired rights in it by express grant, or by prescription or usage; * * *

It is equally well settled that a grant from the sovereign of land bounded by the sea, or by any navigable tidewater, does not pass any title below high-water mark, unless the language of the grant, or long usage under it, clearly indicates that such was the intention. * * *

By the law of England also every building or wharf erected without license below high-water mark, where the soil is the King's, is a purpresture and may, at the suit of the King, either be demolished, or be seized and rented for his benefit, if it is not a nuisance to navigation (p. 13).

The English possessions in America were claimed by right of discovery. Having been discovered by subjects of the King of England and taken possession of in his name, by his authority, or with his assent, they were held by the King as the representative of and in trust for the nation; and all vacant lands, and the exclusive power to grant them, were vested in him. The various charters granted by different monarchs of the Stuart dynasty for large tracts of territory on the Atlantic coast conveyed to the grantees both the territory described and the powers of government, including the property and the dominion of lands under tidewaters. And upon the American Revolution, all the rights of the Crown and of Parliament vested in the several States, subject to the rights surrendered to the national government by the Constitution of the United States. *Johnson* v. *McIntosh* (8 Wheat. 543, 595); *Martin* v. *Waddell* (16 Pet. 367, 408–410, 414); *Commonwealth* v. *Roxbury* (9 Gray 451, 478–481); *Stevens* v. *Paterson & Newark Railroad* (5 *Vroom* (34 N. J. Law), 532); *People* v. *New York & Staten Island Ferry* (68 N. Y. 71) (p. 15).

IV. The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands below the high-water mark, within their respective jurisdictions (p. 26).

In *Pollard* v. *Hagen* (1844), this Court, upon full consideration (overruling anything to the contrary in *Pollard* v. *Kibbe* (14 Pet. 353); *Mobile* v. *Eslava* (16 Pet. 234); *Mobile* v. *Hallett* (16 Pet. 261); *Mobile* v. *Emanuel* (1 How. 95); and *Pollard* v. *Files* (2 How. 591)); adjudged that, upon the admission of the State of Alabama into the Union, the title in the lands below high-water mark of navigable waters passed to the State, and could not afterward be granted away by the Congress of the United States. Mr. Justice McKinley, delivering the opinion of the court (Mr. Justice Catron alone dissenting), said: "We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed; except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April 1803 ceding Louisiana. When the United States accepted the cession of the territory, they took upon themselves the trust to hold the municipal eminent domain for the new States, and to invest them with it to the same extent, in all respects, that it was held by the States ceding the territories. When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands" (3 How. 221–223). "Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law, to the same extent that Georgia possessed it before she ceded it to the United States. To maintain any other doctrine is to deny that Alabama has been admitted into the Union on an equal footing with the original States, the Constitution, laws, and compact to the contrary notwithstanding. Then to Alabama belong the navigable waters, and soils under them, in controversy in this case, subject to the rights surrendered by the Constitution to the United States" (3 How. 228, 229 * * *) (pp. 26, 27, and 28).

In *Weber* v. *Harbor Commissioners*, it was held that a person afterward acquiring the title of the city in a lot and wharf below high-water mark had no right to complain of works constructed by commissioners of the State, under authority of the legislature, for the protection of the harbor and the convenience of shipping, in front of his wharf, and preventing the approach of vessels to it; and Mr. Justice Field, in delivering judgment, said: "Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland, they held it only in trust for the future State. Upon the admission of California into the Union upon equal footing with the original States, absolute property in, and dominion and sovereignty over, all soils under the tidewaters within her limits passed to the State, with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the general Government" (18 Wall. 65, 66).

In the very recent case of *Knight* v. *United States Land Association*, Mr. Justice Lamar, in delivering judgment, said: "It is the settled rule of law in this court that absolute property in, and dominion and sovereignty over, the soils under the tidewaters in the original States were reserved to the several States; and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders. Upon the acquisition of the territory from Mexico, the United States acquired the title to tidelands equally with the title to upland; but with respect to the former they held it only in trust for the future States that might be erected out of such territory" (142 U. S. 183). In support of these propositions he referred to *Martin* v. *Waddell*, *Pollard* v. *Hagen*, *Mumford* v. *Wardwell*, and *Weber* v. *Harbor Commissioner* above cited (pp. 29 and 30).

The Court, after reviewing the law in its former decisions, specifically held with respect to the title to the submerged lands in Oregon that the title was vested in the State, saying:

By the law of the State of Oregon, as declared and established by the decisions of its supreme court, the owner of upland bounding on navigable water has no title in the adjoining lands below high-water mark, and no right to build wharves thereon, except as expressly permitted by statutes of the State; but the State has the title in those lands, and, unless they have been so built upon with its permission, the right to sell and convey them to anyone, free of any right in the proprietor of the upland, and subject only to the paramount right of navigation inherent in the public. (*Hinman* v. *Warren* (6 Oregon, 408); *Parker* v. *Taylor* (7 Oregon, 435); *Parker* v. *Rogers* (8 Oregon, 183); *Shively* v. *Parker* (9 Oregon, 500); *McCann v. Oregon Railway* (13 Oregon, 455); *Bowlby* v. *Shively* (22 Oregon, 410). (See also *Shively* v. *Welch* (10 Sawyer, 136, 140, 141)) (p. 52.)

The Court's conclusions are significant:

Lands under tidewaters are incapable of cultivation or improvement in the manner of lands above high-water mark. They are of great value to the public for the purposes of commerce, navigation, and fishery. Their improvement by individuals, when permitted, is incidental or subordinate to the public use and right. Therefore, the title and control of them are vested in the sovereign for the benefit of the whole people.

At common law the title and the dominion in lands flowed by the tide were in the king for the benefit of the nation. Upon the settlement of the Colonies, like rights passed to the grantees in the royal charters, in trust for the communities to be established. Upon the American Revolution, these rights, charged with a like trust, were vested in the original States within their respective borders, subject to the rights surrendered by the Constitution to the United States.

Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the Territory.

The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective judisdictions. The title and rights of riparian or littoral proprietors in the soil below high-water mark, therefore, are governed by the laws of the several States, subject to the rights granted to the United States by the Constitution.

The United States, while they hold the country as a territory, having all the powers both of national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tidewaters. But they have never done so by general laws; and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters, and in the soil under them, to the control of the States, respectively, when organized and admitted into the Union.

Grants by Congress of portions of the public lands within a territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created; but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution in the United States.

The donation-land claim, bounded by the Columbia River, upon which the plaintiff in error relies, includes no title or right in the land below high-water mark; and the statutes of Oregon, under which the defendants in error hold, are a constitutional and legal exercise by the State of Oregon of its dominion over the lands under navigable waters (pp. 57 and 58).

It is submitted that this holding by the Supreme Court definitely establishes that the ownership, sovereignty, and control of all of the submerged lands within the territorial boundaries of Oregon which extend out 3 miles from the shore line on the Pacific Ocean are vested in the State of Oregon; that the United States has no ownership, control, or dominion over the same; that such powers as are delegated to it by the Constitution with respect to navigation and commerce are not to be construed as ownership and do not give to the Federal Government any indicia of ownership; that the sovereignty with respect to such lands is vested in the States and not in the Federal Government.

The Supreme Court in the later case, in which the State of Oregon was a party—United States against Oregon—reexamined this same question and again laid down this definite rule, the Court speaking through Mr. Justice Stone, said:

The State of Oregon was admitted to the Union on February 14, 1859. At that date the area within the meander line was a part of the public domain of the United States. No part of it has ever been disposed of, in terms, by any grant of the United States. Decision of the principal issues raised by the pleadings and proof turns on the question whether the area involved underlie navigable waters at the time of the admission of Oregon to statehood. If the waters were navigable in fact, title passed to the State upon her admission to the Union. (*Shively* v. *Bowlby* (152 U. S. 1, 26–31), *Scott* v. *Lattig* (227 U. S. 229, 242, 243), *Oklahoma* v. *Texas* (258 U. S. 574, 583, 591), *United States* v. *Utah* (283 U. S. 64,

75).) If the waters were nonnavigable, our decision must then turn on the question whether the title of the United States to the lands in question, or part of them, has passed to the State (p. 6).

Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged, in construing either grants by the sovereign of the lands to be held in private ownership or transfer of sovereignty itself. See *Massachusetts* v. *New York* (271 U. S. 65, 89). For that reason, upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the States passes to it, as incident to the transfer to the State of local sovereignty, and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce. But if the waters are not navigable in fact, the title of the United States to land underlying them remans unaffected by the creation of the new State. See *United States* v. *Utah* (supra, 75), *Oklahoma* v. *Texas* (supra, 583, 591). Since the effect upon the title to such lands is the result of Federal action in admitting a State to the Union, the question, whether the waters within the State under which the lands lie are navigable or nonnavigable, is a Federal, not a local one. It is, therefore, to be determined according to the law of usages recognized and applied in the Federal courts, even though, as in the present case, the waters are not capable of use for navigation in interstate or foreign commerce. *United States* v. *Holt State Bank* (270 U. S. 49, 55, 56), *United States* v. *Utah* (supra, 75), *Brewer-Elliott Oil Co.* v. *United States* (260 U. S. 77, 87) (p. 14).

Mr. Speaker, it is submitted that, as shown by the holdings of the Supreme Court in the two cases in which titles to Oregon lands were involved, which cases follow the uniform rule laid down by the Court, the titles to the submerged lands under consideration are vested in the respective States within whose boundaries they lie, and, therefore, the contention by the proponents of the legislation that the title is vested in no one is untenable. The title being in the State, it follows that the United States does not have any jurisdiction or control over the lands themselves or the petroleum products or minerals that may lie beneath the soil.

It remains to consider the question as to whether or not the powers of the National Government to provide and maintain a navy and provide for the national defense gives the Government the power to take the petroleum products in question. Having reached the conclusion that the title to these lands is vested in the States, and that under their sovereign powers they have the right not only to hold and control the land but also to dispose of the title, it necessarily follows that the Federal Government in attempting to acquire these lands must do so under the same rules and principles of law as obtain with respect to its dealings with other property not owned by the Federal Government. It does not follow that because the United States is empowered to maintain a navy and provide for the national defense it can appropriate to itself private property owned either by one or more of the States of the Union or owned by individual citizens. Under the law if these properties are essential for governmental use with respect to the national defense or the maintenance of a navy, the Government has the right to acquire them by condemnation under eminent domain, which involves due process of law and compensation. The Federal Government has no more right to take these privately owned properties, many of which have now been disposed of either by outright sale or lease by the State of California, than it has to take the Capitol Building belonging to the State of California, the State university buildings at Berkeley, or other properties owned by the State. Such powers are only held by a totalitarian state and not by a constitutional democracy such as the United States.

Mr. Speaker, in the State of Oregon the commission of public docks, a municipal corporation, has through authority vested in it by the State made extensive improvements and has erected docks, grain elevators, and other dock facilities involving large expenditures on these submerged lands. Other municipal corporations in the State have erected on such lands flour mills, wharves, and docks, and issued bonds thereon for the payment of same. If the contention advanced by the Government as set forth in the suit instituted by its officials is sustained it will deprive the States of the vested titles they now hold in these submerged lands, which property rights have been recognized by the courts for over a century as shown by the cases I have cited.

I hope the House will approve this bill, H. R. 4484.

Mr. LYLE. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, I read this bill very carefully. I am familiar with the various other bills that have passed the House and were vetoed by the President. I am of the conviction that this bill is a bill of, for, and by the oil interests. It is just that and nothing else.

Oil, to my mind, is like gold of the nineteenth century. In fact, it has been called "liquid gold." Its quest has always stimulated greed and quest for power. It is no different today than it ever was. The quest for this liquid gold has stimulated tremendous greed and tremendous quest for power on the part of present day oil buccaneers. I repeat that this is a bill for the oil interests. No matter how you decorate it, it is just that. Frankly the oil freebooters of today have much more to gain than Captain Kidd, Laffite, and the motley crews that made the history of piracy so colorful.

But beyond that the bill adversely affects our national defense, because there is no plan or policy of conservation. Leases may be made by the States without let or hindrance; leases on the Federal domain out to the edge of the Continental Shelf may be made by the States without restriction. Those leases may be made exclusively to one, two, or even three favorite companies, and there is nothing in the bill that sets up any kind of standard whereby there can be prevented evil concentration of economic power. I envisage, if this bill passes, an elephantine and monolithic concentration of oil power. With this bill and the great concentration of power made possible, the floors of the sea are to be as debauched as the cotton fields of the South and the vast ranges of the West.

Beyond that I want to say that the Supreme Court on three different occasions held that the States owned the "tidelands," that is lands covered and uncovered by the tide, between low and high water. The Court held that oil below low-water mark and seaward belongs not to the States and is the heritage of the Nation and belongs to the Nation and not to Texas, California and Louisiana. But the bill H. R. 4484 would erase the Supreme Court decisions and give the oil companies an iron grip on this black treasure.

Those who advocate this rule and this bill propose that the national heritage shall be transferred primarily to three States. True, it would give the right of disposal to the States, but these companies—Standard Oil, Humble, Sinclair, Sun, Texas, and so forth—let us not be deceived—rule the roost.

State commissions are supposed to rule these companies, but experience shows that over the years, unfortunately, those regulated have a habit of becoming the regulators. The power of these companies, with all their economic and financial ramifications, is enormous—too great to be resisted. They demonstrate and control the processes of State lease making. One would be naive and guileless to think otherwise.

This bill has been improperly called a tidelands bill. That is a misnomer. Tidelands constitute the land between low- and high-water marks, between which the tide ebbs and flows. There has never been any question that the individual States own these tidelands. And the Supreme Court has affirmed this.

Furthermore the States not only own the tidelands, but as well the beds and land under their inland rivers, bays, inlets, and waterways, and all oil and other products under such inland rivers, bays, channels, inlets, straits, harbors, and waterways are the property of the States, not the Nation.

Thus tidelands and lands under all inland waters, like, for example, the Great Lakes, are the property of the individual States.

The Supreme Court has affirmed the title of the Central Government only to submerged coast lands seaward of tidelands—seaward of low-water mark where tidelands end.

The Central Government presently as the result of the Supreme Court decision has paramount and proprietary rights to all minerals in the so-called marginal belt which lies from the line of low tide seaward three geographical miles plus, as well as the Continental Shelf, which extends indefinitely seaward from the end of the 3-mile marginal belt.

Thus there are three types of land involved:

First. Tidelands—between low and high water—which the States own. The Federal Government lays no claim thereto.

Second. The marginal belt, 3 miles outward from low-water mark, which the Federal Government claims and owns.

Third. The Continental Shelf, which extends indefinitely seaward from the end of the marginal belt. The Continental Shelf and marginal belt should be and are within the sovereign ownership of the United States.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I hope the gentleman will pardon me if I do not yield on the rule; I will yield in general debate.

They want to transfer the national heritage to the States of Texas, Louisiana, and California. I hope we will not stand idly by and let that be done.

I said that there is not involved here the question of the transfer of minerals or products under inland waterways to the Federal Government. Efforts have been made to frighten and stampede the Members particularly from inland and noncoastal States into accepting this bill. For example, the National Association of Attorneys General have produced a brief which has been promulgated and distributed among the Members. Three of the State attorneys general who wrote that report come from the States primarily involved, Louisiana, Texas, and California. They are trying to pull the wool over your eyes by telling you that the various products under your rivers, and under your lakes, and under your bays are involved and that they are going to be stolen, taken away, pilfered from the States and handed over to the Federal Government. That is all balderdash. That is a snide, mean, contemptible tissue of lies. That is not true; no such claim has ever been made. The gravel under the river and lake beds remains with the States. The gold under the rivers in Colorado or California and Idaho and the coal from Pennsylvania river beds and the rich Minnesota and Wisconsin deposits of iron ore under the Great Lakes they say will be turned over to the Federal Government. No such claim ever has been made nor will be made and it is sinful to make such an argument.

What has been the attitude of the Government in that regard? The truth, the unvarnished truth is that no inland water is involved. This was stated as long ago as October 1945 by the then Attorney General Tom Clark. It was stated by President Truman in his veto message on House Joint Resolution 225, August 1, 1946. It was affirmed by Attorney General McGrath before the House Judiciary Subcommittee June 6, 1951. He said:

> Throughout this controversy, representatives of the Department of Justice and of other branches of the Federal Government have repeatedly declared that the United States makes no claim whatsoever to the ownership of lands underlying inland navigable waters and such lands were specifically excluded when the complaints were filed.

This argument about inland waters is a hoax and a trick. Do not be deceived. Do not let the wool be pulled over your eyes. Do not legitimize a raid on the Nation's natural resources.

Mr. LYLE. Mr. Speaker, unfortunately statements have been made here that are not true. The oil companies lobbied against this bill; they lobbied against the bill with me. They do not want this bill; they would much prefer, in my judgment, to have the Federal Government run it because it would be cheaper for them; it would be less restrictive against them, and the Federal Government has no conservation laws which are binding upon them. This is not only an oil-company bill, but it is a bill which they do not advocate or want.

As I stated before, Mr. Speaker, this measure is here, unfortunately, because of the wildest judicial interloping. The people of America have a right to have confidence in this body, but by the wild decisions of some of our courts, they have no confidence in the future of their ownership of property.

This is an obligation we owe the people of America and I sincerely hope, Mr. Speaker, that we discharge that overwhelmingly and give, not take but give, to the States that which belongs to them and take nothing which rightfully belongs to the Federal Government. This bill should pass.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. LYLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. GREEN) there were—ayes 103, noes 37.

Mr. GREEN. Mr. Speaker, I object to the vote on the ground a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 270, nays 92, not voting 71, as follows:

[Roll No. 138]

YEAS—270

Aandahl	Bennett, Mich.	Clevenger
Abbitt	Bentsen	Cole, Kans.
Abernethy	Berry	Colmer
Adair	Betts	Combs
Albert	Bishop	Cooley
Allen, Calif.	Blackney	Cooper
Allen, Ill.	Boggs, Del	Corbett
Allen, La.	Boggs, La.	Cotton
Andersen, H. Carl	Bolton	Cox
	Bonner	Crawford
Anderson, Calif.	Bow	Cunningham
	Boykin	Curtis, Nebr.
Andresen, August H.	Bramblett	Dague
	Bray	Davis, Ga.
Andrews	Brown, Ga.	Davis, Tenn.
Angell	Brown, Ohio	Davis, Wis.
Aspinall	Brownson	Deane
Auchincloss	Bryson	DeGraffenried
Ayres	Budge	Dempsey
Baker	Buffett	Denny
Barden	Burleson	Devereux
Bates, Ky.	Burton	D'Ewart
Bates, Mass.	Bush	Dolliver
Battle	Butler	Donohue
Beall	Byrnes, Wis.	Donovan
Beamer	Carlyle	Doughton
Beckworth	Chelf	Doyle
Belcher	Chenoweth	Elston
Bender	Chiperfield	Engle
Bennett, Fla.	Church	Evins
Fallon	Judd	Riley
Fellows	Kean	Rivers
Fenton	Kearney	Roberts
Fernandez	Kearns	Robeson
Fisher	Kerr	Rogers, Colo.
Ford	Kersten, Wis.	Rogers, Tex.
Forrester	Kilday	Sadlak
Frazier	King	St. George
Fugate	Lanham	Sasscer
Fulton	Lantaff	Schwabe
Gamble	Larcade	Scott, Hardie
Gary	LeCompte	Scrivner
Gathings	Lovre	Scudder
George	Lucas	Seely-Brown
Gossett	Lyle	Shafer
Graham	McConnell	Sheehan
Grant	McCormack	Shelley
Greenwood	McCulloch	Sikes
Gregory	McGregor	Sittler
Gross	McKinnon	Smith, Miss.
Hagen	McMillan	Smith, Va.
Hale	McMullen	Smith, Wis.
Hall, Leonard W.	McVey	Stanley
	Mack, Wash.	Steed
Halleck	Mahon	Stefan
Hand	Martin, Iowa	Sutton
Harden	Merrow	Taber
Hardy	Miller, Calif.	Tackett
Harris	Miller, Md.	Talle
Harrison, Va.	Miller, Nebr.	Teague
Harrison, Wyo.	Mills	Thomas
Hart	Morano	Thompson, Mich.
Harvey	Morris	
Havenner	Morrison	Thompson, Tex.
Hays, Ark.	Mumma	Thornberry
Hébert	Murdock	Tollefson
Hedrick	Nelson	Towe
Herlong	Nicholson	Trimble
Herter	Norrell	Vail
Heselton	O'Hara	Van Pelt
Hess	Ostertag	Van Zandt
Hill	Passman	Vaughn
Hillings	Patman	Velde
Hinshaw	Patten	Vorys
Hoeven	Patterson	Vursell
Hoffman, Mich.	Philbin	Walter
Holifield	Phillips	Watts
Holmes	Pickett	Weichel
Hope	Poage	Werdel
Howell	Potter	Wheeler
Hunter	Poulson	Whitten
Jackson, Calif.	Priest	Wickersham
James	Prouty	Widnall
Jarman	Rains	Wigglesworth
Jenison	Rankin	Williams, N. Y.
Jenkins	Reece, Tenn.	Willis
Jensen	Reed, Ill.	Wilson, Tex.
Johnson	Reed, N. Y.	Winstead
Jonas	Rees, Kans.	Wolcott
Jones, Ala.	Regan	Wolverton
Jones, Woodrow W.	Richards	Wood, Idaho
	Riehlman	Yorty

NAYS—92

Addonizio	Gordon	Mitchell
Anfuso	Granahan	Morgan
Bailey	Granger	Moulder
Bakewell	Green	Multer
Baring	Hays, Ohio	Murphy
Barrett	Heffernan	O'Brien, Ill.
Blatnik	Heller	O'Konski
Bolling	Hull	O'Neill
Bosone	Jackson, Wash.	O'Toole
Buckley	Javits	Polk
Burdick	Jones, Mo.	Price
Burnside	Karsten, Mo.	Quinn
Byrne, N. Y.	Keating	Rabaut
Canfield	Kee	Radwan
Cannon	Kelly, N. Y.	Ramsay
Carnahan	Kennedy	Reams
Case	Keogh	Rhodes
Celler	Kirwan	Ribicoff
Chudoff	Klein	Rodino
Clemente	Kluczynski	Rooney
Crosser	Lane	Roosevelt
Delaney	Lesinski	Sabath
Dollinger	McCarthy	Secrest
Eberharter	McGrath	Sieminski
Elliott	Machrowicz	Spence
Feighan	Mack, Ill.	Taylor
Fine	Madden	Welch
Flood	Magee	Wier
Fogarty	Mansfield	Yates
Forand	Marshall	Zablocki
Furcolo	Meader	

NOT VOTING—71

Arends	Coudert	Eaton
Armstrong	Crumpacker	Ellsworth
Breen	Curtis, Mo.	Garmatz
Brehm	Dawson	Gavin
Brooks	Denton	Gillette
Busbey	Dingell	Golden
Camp	Dondero	Goodwin
Chatham	Dorn	Gore
Cole, N. Y.	Durham	Gwinn

Hall, Edwin Arthur	Morton	Simpson, Ill.
Hoffman, Ill.	Murray, Tenn.	Simpson, Pa.
Horan	Murray, Wis.	Smith, Kans.
Irving	Norblad	Springer
Jones, Hamilton C.	O'Brien, Mich.	Staggers
Kelley, Pa.	Perkins	Stigler
Kilburn	Powell	Stockman
Latham	Preston	Vinson
Lind	Redden	Wharton
McDonough	Rogers, Fla.	Whitaker
McGuire	Rogers, Mass.	Williams, Miss.
Martin, Mass.	Saylor	Wilson, Ind.
Mason	Scott, Hugh D., Jr.	Withrow
Miller, N. Y.	Sheppard	Wood, Ga.
	Short	Woodruff

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Busbey for, with Mr. Denton against.
Mr. Preston for, with Mr. O'Brien of Michigan against.
Mr. Camp for, with Mr. Dingell against.
Mr. Dorn for, with Mr. Powell against.
Mr. Wood of Georgia for, with Mr. Breen against.
Mr. Garmatz for, with Mr. Kelley of Pennsylvania against.
Mr. Martin of Massachusetts for, with Mr. McGuire against.
Mr. Brooks for, with Mr. Lind against.
Mr. Durham for, with Mr. Dawson against.
Mr. Redden for, with Mr. Irving against.
Mr. Whitaker for, with Mr. Perkins against.

Until further notice:

Mr. Sheppard with Mr. Curtis of Missouri.
Mr. Murray of Tennessee with Mr. Coudert.
Mr. Staggers with Mr. Wharton.
Mr. Hamilton C. Jones with Mr. Stockman.
Mr. Stigler with Mr. Short.
Mr. Williams of Mississippi with Mr. Hugh D. Scott, Jr.
Mr. Vinson with Mr. Dondero.
Mr. Rogers of Florida with Mr. Ellsworth.
Mr. Gore with Mr. Arends.

Mr. JONES and Mr. BUCKLEY changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 4484, with Mr. SMITH of Virginia in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. CELLAR. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Chairman, roughly, H. R. 4484 does two things. It confirms in the States the submerged lands within their respective boundaries and it confirms in the Federal Government paramount power and dominion over the Continental Shelf outside of the respective boundaries of the States, implementing the Federal Government's control and operations of such areas.

In an effort to present orderly debate and to divide the issues to be discussed, it falls my lot to do two things: First, to give you a brief history of this legislation, and secondly; to explain what this bill does.

BRIEF HISTORY OF LEGISLATION

First, let us briefly sketch the historical background of the so-called tidelands controversy. Prior to 1935, lawyers and laymen of this country almost unanimously assumed that the States owned the lands of the marginal sea within their described boundaries. Certainly no one even now can question the fact that for 150 years the States of the Union were in peaceable possession of this area under an assumption of title. Even as late as 1933, the then Secretary of the Interior, Harold Ickes, who has since been the chief exponent of Federal control, assumed that the States owned the area in dispute.

I have here a photostatic copy of a letter which Mr. Ickes wrote in 1933 in response to an inquiry by an applicant for a lease on the tidelands or the lands under the so-called marginal sea. Mr. Ickes replied on December 22, 1933, quoting from the case of *Hardin* v. *Jordan* (140 U. S. 371):

> With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted enures to the State within which they are situated, if a State has been organized and established there.

Then he said:

> The foregoing is a statement of the settled law, and therefore no rights can be granted to you either under the Leasing Act of February 25, 1920, or under any other public-land law.

After this time, however, the marginal sea became more and more valuable. Much oil began to be produced, especially off the coast of California. Visions of wealth and power can do much to the minds and consciences of men. Mr. Ickes, after conferences with Harry Hopkins and others, changed his mind, and around 1935 a request was made of the Attorney General to file suit against California in an effort to determine whether or not the Federal Government could acquire the petroleum resources of the marginal sea off the California coast. In 1937, and again in 1939, resolutions were introduced in the Congress seeking to authorize and instruct the Attorney General to file such suit. No action was had on these resolutions. In October 1945 the Attorney General filed the California case in the Supreme Court of the United States.

In the Seventy-ninth Congress, on July 27, 1946, the House passed House House Joint Resolution 225 by a vote of 188 to 67. This was a bill confirming the title of the States to lands within their boundaries and the bill was subsequently passed by the Senate and subsequently vetoed by the President. The Presidential veto rested primarily on the ground that a suit was then pending in the Supreme Court of the United States and that the case should not be prejudged by the Congress.

On June 23, 1947, the Supreme Court handed down the decision in the California case. Justice Black wrote the majority opinion with Justices Reed and Frankfurter dissenting. The California decision held that the State of California did not own the lands beneath the marginal seas within the boundaries of that State. The decision did not say who owned such lands, but did assert that the Federal Government had paramount power and dominion over the area in question, and therefore the right to the resources beneath the soil. The decision created consternation and confusion throughout the United States. It left many issues undecided and in doubt.

In their dissenting opinions Justices Reed and Frankfurter drew the logical conclusions that under the theory and philosophy of the California decision, the Federal Government could take without compensation coal, iron ore, or any of the resources of any of the States that it might wish to appropriate.

In the Eightieth Congress, on April 30, 1948, the House passed H. R. 5992 by a vote of 257 to 29. This bill, like House Joint Resolution 225, confirmed in the States the title to their submerged lands within their described boundaries. Because the session was near an end the Senate did not act on this legislation.

Most of 1949 was consumed in futile efforts to compromise the various issues between State and Federal officials.

In May 1950 the House Judiciary Committee for the third time, reported a bill on this subject, to wit: H. R. 8137; a bill almost identical with the present bill, H. R. 4484. No action was taken on H. R. 8137 because at the time of its report decisions in the pending Louisiana and Texas cases were immediately anticipated. These decisions were handed down by the Supreme Court on June 5, 1950, and simply added further to the consternation and confusion created by the California decision. The Texas decision was decided by a 4 to 3 vote of the Court and completely ignored and repudiated the solemn compact between the State of Texas and the Federal Government. Now all drilling operations in the affected areas have stopped; neither the Federal Government, nor the States know what their rights are, and confusion reigns.

Once again, in line of duty and necessity, Congress is called upon to settle the tidelands issues by legislative enactment, and legislative enactment is the only way in which this matter can be fully and finally determined.

Now, to the second part of our discussion; what does the bill H. R. 4484 do. First, this bill restores to the States the title to submerged lands within their described boundaries. It removes the cloud of the Supreme Court decisions from the title of the States to the marginal sea within their described boundaries and also within their inland waters. This is an area of approximately 26,608 square miles.

Secondly, title 3 of this bill confirms in the Federal Government paramount power and dominion over the Continental Shelf outside of, and seaward of all State boundaries. This is an area of approximately 235,982 square miles. This bill has been publicized as a States' rights bill. However, the bill is more correctly described as a compromise bill, because it gives to the Federal Government nine-tenths of the area in dispute. Please bear in mind this Federal area, the nine-tenths beyond State boundaries, includes the major portion of the alleged petroleum resources.

Under this bill the State of Texas gets no oil wells whatsoever; there are no wells in the marginal sea within Texas boundaries. You may be amazed to learn that Texas will not acquire any oil wells under this bill, the known petroleum resources off the Texas coast are beyond our original boundaries and are in the Continental Shelf and are hence delivered to the jurisdiction of the Federal Government. Title 3 of this bill implements and gives legislative sanction to an Executive order of the President, known as Proclamation No. 2667, issued on the 28th day of September, 1945. Incidentally this proclamation marks the first time the Federal Government ever asserted dominion over this vast area known as the Continental Shelf. Prior to that time some of the States, particularly Texas and Louisiana, had extended their boundaries into the Continental Shelf and had asserted jurisdiction over the same. The States had prior claim to this unclaimed area. The States have an excellent case both in law and in equity to continue their claims over this area. However, in a spirit of compromise the States are willing to abandon this assertion of jurisdiction and to join in implemeting Federal control thereof. This section of the bill is really noncontroversial. This section of the bill was largely written by Federal officials and has been substantially agreed to by most of them. This section of the bill should not ever become controversial. This section does give to the adjoining States the same rights in the Continental Shelf beyond their boundaries as is given to all the States in the public domain within their respective jurisdictions. It gives to the riparian States 37 percent of the income from such Continental Shelf beyond its boundary, and also gives to such States the same taxation and police powers as States have always exercised over Federal public domain within their respective boundaries.

Mr. Chairman, all persons agree that congressional action in this so-called tidelands matter is necessary. The only question is what sort of a bill should be passed. The substitute bills that will be offered to this legislation are highly impractical and unsatisfactory, if for no other reason, because they are only partial settlements. Instead of doing half of the job, we should do the whole job as is proposed in H. R. 4484.

The real controversy in this bill is, of course, the reaffirmation to the States of the marginal seas and submerged lands within their boundaries. A decent regard for States' rights and property rights requires that this be done. While limitation does not run against a sovereign government, a sovereign government should be more willing to do equity than an individual. The States have been in possession of this area within their boundaries for more than 100 years. If this controversy were between individuals, there is not a court in the world, or a government in the world that would permit the person in whose possession the property had remained for 100 years to be deprived of the same without compensation. Ours is a Federal Union of sovereign States, and for our Federal Government to assert claim to these areas within State boundaries does violence to every Anglo-Saxon concept of justice and equity. Even the National Socialists of Great Britain have paid for industries confiscated; even the Republic of Mexico paid American industry for oil expropriated; even the Government of Iran will doubtless make some token settlement with the foreign interests who own and operate the oil industry of that land. Apparently, only the great Government of America will succumb to the law of the jungle and take property by force without compensation.

The issue here is not one of oil. It is one of fundamental principle, of honesty and integrity.

Mr. Chairman, if I came from a landlocked State without rivers, lakes, or submerged lands—and there is no such State—but if there were such a State, and if I were a resident thereof, I would still be just as fervently and unequivocally for this legislation.

Mr. Chairman, the vast majority of honest and informed Americans blush with shame because of efforts of Federal officials to take from the States these resources within State boundaries. If the asserted claims of the Federal Government to these areas are ever confirmed by an act of the Congress, it will be a black day in American history, for on that day we will have sold our principles for a mess of pottage and will have subverted the integrity of the Federal Government.

Mr. POAGE. Mr. Chairman, in recent months the United States Government has sent one of its outstanding troubleshooters, Hon. W. Averell Harriman, to the opposite side of the world to try to persuade the Government of Iran to deal more generously with British interests who held certain operating rights in the Iranian oil fields. The Iranian Government has asserted its paramount right to nationalize the oil industry. It has recognized its obligation to pay the British owners for their property. At the same time, the executive branch of our Government has joined in the loud wails of anguish over the "ruthless" attitude of the Iranian Government. Possibly we can the better understand the surprise of the Iranians who have looked to the United States for support in their repudiation of contracts and their grab of private property, after reading the Supreme Court decision in the case of the *United States* v. *Texas* (393 U. S. 707), which blandly ignores the contracts solemnly offered to the Republic of Texas by the United States in the Annexation Resolution passed by both Houses of Congress in 1845, and approved by President Polk. Can we criticize the claims of the Iranian Government for exercising its "paramount right" to take over its oil properties even though we may question the adequacy of the compensation, while our own Government seeks to take the property of States and individuals with no compensation whatever—on the bare claim of paramount right? Possibly the President recognized the inconsistency of his position when he decided he could not afford to allow Mr. Justice Douglas, the latest exponent of this monstrous doctrine of expropriation without compensation, to go to Iran.

Let us examine the two propositions, first, repudiation of international contracts; and, second, confiscation of property without compensation, in reverse order. The whole claim of the Federal Government to the submerged lands of the various States seems to rest on what the Supreme Court has euphoniously called paramount right. No one has ever challenged the paramount right, or just the plain constitutional right of the Federal Government to take any property wherever located, and by whoever owned, when such property was needed for governmental or public purposes. We have, however, supposed that the fifth amendment to the Federal Constitution, which states, "Nor shall private property be taken for public use, without just compensation," was still binding on the courts and the Executive. Apparently the disciples of Mr. Ickes dissent. Nowhere did the Court even discuss the constitutional requirement that the Government make just compensation for private property taken for public use. Would the distinguished chairman of our Judiciary Committee require of the Government of Iran a greater degree of honesty in its dealings with the citizens of Great Britain than he would require of the Government of the United States in its dealings with its own States and its own citizens?

Stripped of all its fancy language, this effort to take the submerged lands of the States is nothing but a naked grab of property. It is a share-the-wealth plan on a far more ambitious scale than the most ardent advocate of "$30 every Thursday" ever dared to dream. Never was the Federal Government even interest in the ownership of these submerged lands until they became potentially valuable. For nearly 200 years it had been settled law that the States, not the Federal Government, owned the submerged lands within their boundaries. By what authority do citizens of Maryland engage in the oyster business in Chesapeake Bay if the bay is the property of the Federal Government? Are the citizens of Maine trespassers on the Federal domain when they develop the kelp or the lobster business? What of the Florida sponge fishermen?

No, the plain fact is that each of the Thirteen Original States has always owned and controlled its submerged lands. The gentleman from Ohio made much of the point that only the lands under the marginal seas of California,

Texas, and Louisiana were taken by the Supreme Court decisions. He pointed out that the Attorney General specifically excluded the lands under navigable streams. Certainly the grab is being conducted by steps. The hope of these modern claim jumpers is to divide and conquer, but we all know full well that these Original Thirteen States are still in control of their lands solely because no prospect of ill-gotten wealth has tempted those who felt they could profit personally by a decision that the Federal Government, not the States, own these lands. When it becomes profitable for the Wheelers, or the Murrays, or the Smoots, and their disreputable group of camp followers, to assert Federal ownership of the bed of Lake Michigan, or of the Ohio River, you will see them move in, just as they have in California, Texas, and Louisiana.

Let us examine this rush of twentieth-century prospectors who ride Cadillacs, not burros; who live in penthouses, not tents; who seek to reap where they have not sown. These are the people who hide their selfish actions behind a cloak of pious claims of public interest. They are the people who inspire the columnists and the commentators to make their repeated and unfounded charges that an oil lobby is supporting the effort of the States to regain their property. No oil lobby is interested in the question of whether the States or the Federal Government owns these lands, except those oil lobbyists who are hopeful of getting something for nothing and they all want the Federal Government to take the property away from those oil companies who have in good faith paid the States for leases.

True, this lobby wants to turn the property of others over to their clients who have spent from 25 cents to 50 cents per acre for Federal permits to take over proven fields. This is the oil lobby and it is interested in Federal, not State, ownership.

Now, let us see just how these people expect to profit by sustaining the decision of four members of the Supreme Court. I shall use Texas as an example because I know the facts in Texas. I am sure a comparable situation exists in California and Louisiana. Texas has leased about 350,000 acres of submerged lands. These leases were made to the highest bidders. They have brought more than $7,000,000 into the public free school fund of the State of Texas. Were this same land leased by the Federal Government at the present rental figure, it would bring only $175,000. At the previous rental figure it would have brought only some $67,500. This is true because the Federal Government does not require bids for oil leases. It leases the land for 50 cents per acre to the first applicant. In addition, the States have been able to contract for greater rentals and royalties than the Federal Government requires. The oil companies that have spent their millions to try to develop these lands hold all of their rights through the State. If the States had no title, those who hold through them can have none. When it was first suggested that the Federal Government might be able to grab the title to this property, hundreds of promoters in the know blanketed the coasts of California, Texas, and Louisiana with applications for Federal leases. Most of them invested only 25 cents per acre—since raised to 50 cents. They hope to take over the properties on which oil companies have honestly spent millions, and to take the properties for little or nothing. Could it be that some of these self-appointed guardians of the rights of the Federal Government, who stand to make tremendous personal fortunes at the expense of the Texas school children, are themselves actuated by something less than the most lofty motives?

And who is the lobby which has so persistently fought to protect private property from confiscation? One would naturally suppose that the business people of this country would have been the first to protest, but they were not. Let it be said to the eternal credit of the public officials of the 48 States that they recognized the danger before the business people did. Let it be remembered that the Governors, the attorneys general, and other State officials from almost every State, have banded together to fight this grab, and finally, let no one overlook the inspired leadership of the members of the Texas State Teachers Association. These teachers had no property of their own at stake, but they knew just how much State ownership of these resources meant to the school children, and how little the school children would get from a Federal grab. Doubtless the effectiveness of these teachers may have been in large measure responsible for the crude and demagogic efforts to counteract their pleas by proposing to dedicate the fruits of the evil conspiracy to a worthy purpose, to wit, higher education.

Aside from the question of the propriety of providing a Federal subsidy to private and church schools, why should the Federal Government give the proceeds of oil produced from these submerged lands to these colleges and retain for regular governmental purposes the revenue derived from oil properties on Government land above tide water? Can there be any other purpose than a desperate effort to buy support for an unworthy cause?

Let us consider very briefly the repudiation of international obligations which is involved in this transfer of these lands from State to Federal ownership. Again I want to discuss the case of Texas. In 1836 Texas gained her independence from Mexico. This fact was recognized by the Treaty of Velasco. The boundaries of the Republic of Texas were fixed by an act of the Congress of the Republic in 1839. This act provided that the boundary of the Republic of Texas should begin at a point three leagues seaward from the mouth of the Sabine River, and should then continue in a line three leagues from shore to a point three leagues from the principal mouth of the Rio Grande. The United States recognized the boundaries claimed by the Republic of Texas and fought the Mexican War to enforce them. In 1848 the United States negotiated the Treaty of Guadalupe-Hidalgo with Mexico. That treaty defines the boundary between the United States and Mexico as beginning at a point in the Gulf of Mexico, three leagues seaward from the principal mouth of the Rio Grande. How did the boundary of the United States get to this point three leagues seaward if it had not been the true boundary of the Republic of Texas? As a matter of fact, no one has challenged the existence of the seaward boundary of the Republic of Texas at a point three leagues from land.

Now how did Texas become a part of the United States? She did so by an annexation resolution, approved by both Houses of this Congress, and signed by the President of the United States. The annexation was the result of an offer, submitted to the Republic of Texas by the United States, and it was accepted by the Republic of Texas with every confidence that the promise of the United States of America would be scrupulously fulfilled, and this resolution expressly guaranteed that the State of Texas should retain all of the vacant and unappropriated public lands lying within its limits.

Nor was this assignment of public lands to the State any accidental or ill-considered provision. It was deliberately placed in the resolution with full knowledge of its effect. Indeed, the previous year the Republic of Texas had sought annexation. It had negotiated a treaty with the United States, which treaty had specifically provided that the United States should acquire all unappropriated lands in the Republic of Texas as it had in many other States, and that it—the United States—should pay the public debt owed by the Republic of Texas—about $13,000,000. This was in keeping with the practice followed in all other cases of admitting new States. As a matter of fact, Texas is the only one of the 48 States which paid its own preannexation debt. But back to the sequence of events.

The United States Senate refused to ratify this treaty. One of the most impressive reasons given was that "all the lands in Texas are not worth $13,000,000, and it would be foolish to pay the debt of the Republic."

Therefore, when the United States made the offer as it did in 1845, it carefully provided that the State of Texas should pay the debt and keep the lands. The State did pay the debt in full, and we now submit that the United States is legally and morally bound to accept the disadvantages as well as the advantages of the contract she submitted to her neighboring Republic.

The United States cannot now repudiate her solemn obligation and expect the other nations of the world to be impressed with her sincerity in international affairs. Nor can the apologists for repudiation find any support for their position by pleading that this agreement relates to domestic not foreign affairs. I know of no rule of morality which justifies deception by a government of its own people; but the people of Texas were not citizens of the United States. On the contrary their independence was recognized by the United States and all the leading nations of the world. Clearly they, and they alone, had

the right to accept or reject the offer of the United States to give up their independent existence. In 1845 the Republic of Texas stated:

> We assent to, and accept the proposal, conditions and guarantees contained in the first and second sections of this resolution of the Congress of the United States aforesigned.

These sections contained the assurance that the State of Texas should retain its unappropriated lands.

Later that year the Congress of the United States approved a constitution for the State of Texas which contained the provision that—

> The rights of property * * * shall remain precisely in the situation which they were before the adoption of this constitution.

During the annexation negotiations President Tyler stated:

> We could not with honor take the lands without assuring the full payment of all encumbrances upon them.

Actually, the State of Texas paid the debt—and a little later President Polk stated:

> Of course, I would maintain the Texan title to the extent which she claims it to be.

In view of this evidence, evidence which by the way the Supreme Court of the United States refused to consider when it denied the State of Texas the meager right to present evidence in the greatest land suit of all times, can it be seriously contended that the United States has either a moral or a legal right to the submerged lands within the original boundaries of the Republic of Texas?

If the Congress does not act today to restore respect for the commitments of the United States, they will deservedly share with Kaiser Bill's treaties the dubious honor of being but scraps of paper. If the Congress does not today act to stop confiscation without compensation, the United States will have acquired undisputed lead in the shameful struggle for international irresponsibility. I want my country to be honest with its own citizens—to be honest with its smaller neighbors—and it can be neither so long as the present decisions of the Supreme Court stand in regard to the submerged lands. I, therefore, urge the immediate passage of the Walters-Gossett bill as a matter of elementary justice and honesty in Government.

Mr. MAHON. Mr. Chairman, I have been shocked, and the people of Texas have been shocked, over the efforts which have been made to deprive the people of the State of Texas and other coastal States of their tideland rights. The subject has been fully discussed and little remains to be said as to the controversy.

I leave to my able colleague, the gentleman from Texas [Mr. GOSSETT], and to other members of the House Judiciary Committee the matter of explaining the pending bill which they have drafted. However, I wish, as a matter of record, to reassert my great interest in seeing the people of the State of Texas secure for themselves their just rights in this important matter. It may be that the pending bill does not restore to Texas and other affected States their full rights. However, the bill appears to be the best solution to the problem that can be secured in the Congress, and I shall, therefore, support it, and I hope the measure will be promptly approved by the Congress. Action on the bill is urgently required.

THE ETHICS OF THE TIDELANDS ISSUE

Mr. TEAGUE. Mr. Chairman, in considering H. R. 4484 which would confirm the titles of the States to the tidelands, I would like to call the attention of my esteemed colleagues to the fact that there is more behind this tideland issue than whether the Federal Government or the States possess title to some valuable land. There are several very important principles at stake which involve the very foundation of our Government.

First, there is the question of altering the basic relationship between the individual States and the Federal Government as laid down in our Constitution. The founders of our Nation realized and wisely indeed, that there were certain areas of Government which could better be administered and regulated by local authorities closer to the people and their problems than one national authority could possibly be. As a result, the several States were given areas of jurisdiction in which they were to be supreme as a matter of efficiency, common sense, and protection of the citizen's best interest. The specific powers of the Federal Government were definitely outlined and enumerated in the Constitution; and, as an additional precaution the tenth amendment, part of the Bill of Rights, was adopted in 1790, stating:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

This amendment expressed the widespread fear prevalent at the time that the Federal Government might attempt to exercise powers which had not been granted.

In the intervening years, we have come to realize that this fear of extreme centralization was not without cause. Particularly in recent times, there has been an increasing encroachment of the Federal Government into the area of State rights. This has been done by many methods, some of the outstanding being that of Supreme Court decisions. The Supreme Court, being a part of the National Government, has tended to interpret the constitutional powers of the Federal Government rather broadly which has constantly led toward a greater concentration of governmental authority in Washington, largely at the expense of the States. I, for one, am quite concerned about the Federal Government trend toward domestic imperialism and control from Washington. If the Federal Government can maintain its claims to the Texas tidelands, this Nation is in my opinion well on the road to nationalization and extreme centralization of government.

The second fundamental principle at stake in this tidelands question is something which goes even beyond the Constitution to the very basis of our society: ethics and morals. Texas entered the Union under a very definite agreement, providing among other things, that Texas would pay her public debt and, in return, would be allowed to retain her public lands. The public domain included the submerged continental shelf which she had gained title to as an independent nation, the Republic of Texas. The State of Texas paid her public debt and kept her public lands. For 105 years this agreement was honored. Then in 1950, the Supreme Court—through a tortured system of legalistic reasoning—circumvented the agreement and claimed the tidelands, part of Texas' public lands, for the Federal Government.

I have heard a good deal lately about ethics on the part of Federal employees. It seems to me that we had better pay a little attention to the ethics of the Federal Government as a whole in its relationships with the States. When our National Government gets to the point where it will not deal honorably with the State governments, and maintain the highest ethical standards in its relations with the States, regardless of its power through Supreme Court interpretation, then, gentlemen, I am beginning to get very worried about the state of affairs today. What right has our Federal Government to censure individuals and groups, who operate continually in that marginal area where they are legally right, but morally and ethically wrong, if the Government itself does the same thing? When we in Congress endorse this attitude on the part of the Federal Government—which we certainly will do if we fail to return the tidelands to the States—then we have little right to question the ethics and morals of any other private or public segment of the Nation.

Against this background, I would like to consider the tidelands question per se. My thesis is this: While the Federal Government may have established a legal title to the tidelands through the Supreme Court, there is no one who can convincingly and logically show that it has a moral right or title to those lands. It seems to me that common sense, law, and justice must surely combine at some point to emerge with the obvious answer that the tidelands, particularly in the case of Texas, can only belong to the States.

The history and background of the tideland question has been utterly disregarded by the Supreme Court in its recent decisions. In my opinion, there are two basic questions which loom high in this entire matter, but which seem to have been studiously avoided or bypassed in arriving at the present rulings:

(a) As a general principle, was it ever intended when the Constitution was drawn that the original States should give up their title to the tidelands and, if not, did States entering the Union subsequently come in under any different terms?

(b) Did the Republic of Texas after 10 years of existence as a sovereign nation relinquish, through any means, her

title to the tidelands when she joined the Union?

I would like to examine each of these questions at some length.

First, over a period exceeding 100 years, there has been 53 Supreme Court decisions and 244 Federal and State court decisions holding that the Original States owned the navigable tidelands and soil beneath them in trust for the people and that all States admitted thereafter into the Union came in with at least the same rights on this matter. For example, in 1842 the Supreme Court stated:

> When the Revolution took place the people of each State became themselves sovereign * * * and hold the absolute right to all their navigable waters and the soils under them for their own common use.

In 1845:

> First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively; secondly, the new States have the same rights, sovereignty and jurisdiction over this subject as the Original States.

In 1876:

> The principle has long been settled * * * that each State owns the beds of all tidewaters within its jurisdiction, unless they have been granted away. In like manner, the States own the tidewaters themselves. * * * For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty—

And so on. As can be seen, there were few principles more settled in the law of the land than State ownership of the tidelands.

It is interesting, and very disconcerting also, to note that in reversing over 100 years of precedent, the Supreme Court in its 1947 decision on the California tidelands side-stepped the question as a strictly domestic and constitutional issue. The Court instead assumed the necessity of Federal control over the tidelands as essential to the proper administration of a foreign-relations program based on the thin line of reasoning that only the Federal Government may deal with international affairs and the ocean is a subject which falls into that category. In my opinion, that was no argument whatsover. The same line of reasoning could be applied to any property or person, for that matter, within Texas' boundary if the Federal Government is determined to take over everything. For example, the United States represented many Texans in their claims against Mexico for oil lands expropriated by the Mexican Government some years back, but this did not mean that these Texans had to give up their State citizenship just because they happened to become involved in a matter of foreign relations. I cannot see how national representation in foreign affairs implies national ownership; the United States Government represents everyone and everything in the Nation when it comes to international affairs, but that does not mean that everything entering into that sphere must be owned by the Federal Government.

As to the second question: Did the Republic of Texas relinquish her title to the tidelands when she joined the Union or at any time thereafter? The story of the conditions of our entry into the Union, unique and different from that of any other State, will emphatically show that Texas did not.

After Texas won its independence from Mexico, it formed an independent nation, the Republic of Texas, which existed for 10 years and was recognized by the chief nations of the world including the United States. The republic in its first year of existence established its boundaries as "beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico three leagues, 10½ miles from shore, to the mouth of the Rio Grande."

The people of Texas, being mostly of Anglo-Saxon stock and having their root in the United States, expressed a desire to enter the Union. As a result, in 1844, a formal treaty was signed between two independent nations, the United States and the Republic of Texas, setting forth the terms of Texas' entry into the Union. It stated that the United States would take over all of the public debt of Texas—some $10,000,000 and, in those days, a tremendous sum of money, even where nations were involved—in return for which Texas would surrender all of its public lands and mineral rights. The United States Senate, by an overwhelming vote, refused to ratify this treaty on the grounds that the public lands of Texas were worthless and consisted of little more than swamps.

In the following months, 17 different counterproposals originated in the United States Congress concerning the terms of Texas' entry into the Union. Finally, the Congress of the United States passed a joint resolution which set forth the terms of annexation. Among the provisions were the following:

(a) The constitution of Texas must be submitted to the United States Congress for approval before January 1, 1846.

(b) Texas would retain her public debt as well as her public lands.

The idea was that Texas should pay this tremendous public debt through the proceeds from the sale of her worthless public lands.

Texas accepted these terms and became the only State to enter the Union and assume its previous public debt. Further, Texas adopted a new constitution which was transmitted to Congress in which it was stated that—

> The rights of property * * * which have been acquired under the constitution and laws of the Republic of Texas * * * shall remain precisely in the situation which they were before the adoption of this constitution.

Congress nor anybody else objected to this stipulation.

Texas paid off its public debt and, in every way, fulfilled its obligations under the terms of the treaty of annexation. As a result, for 103 years, it never entertained the thought that there could be any doubt in anyone's mind as to its absolute right to ownership of the tidelands as a part of its public domain regardless of what happened to other States in this connection. For 103 years it was the consistent interpretation of United States officials that these lands and minerals were owned by Texas in accordance with the solemn treaty entered into by two independent Nations. Not until December 21, 1948, after the property had become more valuable through development by Texas and the people to whom the State had leased the tidelands, did the executive officials of the Federal Government change their interpretation of the annexation treaty and attempt to wrest ownership of the property from Texas. Finally, on June 5, 1950, the Supreme Court in a 4-to-3 decision overrode treaty, precedent, and justice all in one breath by confiscating—and it was that—the Texas tidelands and ceding it to the Federal Government.

How did the Court arrive at such a decision in the face of the facts? As in the case of the California tidelands, it again avoided the issues and stated basically the predominant consideration was that there must be Federal control over the tidelands as an essential part of the administration of our foreign affairs program inasmuch as questions involving oceans often involved our relations with other nations. It did not explain why it would not be possible for the Federal Government to deal with foreign countries concerning the ocean without first having to own 3 miles of the ocean. I, for one, cannot see how the Federal Government can justify its conduct or how it can conscientiously utter one word of reproach to Iran for her recent nationalization and confiscation of British oil rights when the United States is doing the same thing at home with much less reason and absolutely no real legal or moral right to do so.

Aside from the legal questions involved, there is another side to this matter. For many years the entire income from the Texas tidelands have been dedicated solely to the public school fund of Texas. The loss of this revenue would seriously damage the financial structure of the Texas public-school system—one, incidentally, which is trying to avoid the dangers of Federal aid to education. The extent of the loss, both present and future, is apparent when one realizes that over 2,600,000 acres of tidelands are involved, and that in 1948 alone Texas realized $7,000,000 from tideland leases.

All these factors cannot be offset except by allowing Texas to continue its ownership of the lands as originally agreed. And certainly, if the Federal Government is determined to expropriate the Texas tidelands, there should be a just compensation paid to the State of Texas for their loss. Consideration should also be given to the fact that enormous sums of money have been expended by the State and persons operating under State leases to develop the oil potentialities of the tidelands.

Since the Supreme Court is apparently not predisposed to alter their position on the tidelands, the only alternative has been for Congress to pass legislation which would restore rightful ownership of these lands to the States. In February 1948 I introduced a bill to require Federal recognition of State ownership of these lands, and, further, if at a later date the Federal Government felt that

it was necessary to place the tidelands under national ownership in the interest of national defense, as is often claimed, to require that adequate compensation be paid to the States for the loss of their property.

Up to the present a satisfactory and equitable solution of this question by Congress has been blocked by the executive branch of the Government. In 1948 Congress passed a bill which would have settled the tidelands conflict in favor of the States; however, the President vetoed it and the Senate could not muster the two-thirds majority necessary to override the Presidential action.

I trust that every Member will take this opportunity to correct an injustice and halt this trend toward nationalization and infringement on States' rights, prerogatives, and property. There is not only a principle involved which concerns every State, regardless of whether it has tidelands or not, but every person who believes that there is too much control from Washington today, that this trend toward centralization is becoming our greatest internal threat, and that our National Government should operate on the highest level of ethical and moral conduct.

Mr. REED of Illinois. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I propose to discuss briefly the background and need for enacting the Walter bill, H. R. 4484, which confirms the title of the various States in lands beneath the navigable waters within their boundaries.

It is first important to remember that for over 100 years it was the universal opinion of legal minds that the States, not the Federal Government, owned the lands beneath the navigable waters within their boundaries, including both inland waters and tidelands out to the traditional 3-mile limit. This was predicated on a series of Supreme Court decisions which seemed to be completely unambiguous.

Acting on what then appeared to be sound legal advice, the executive branch of the Government clearly and repeatedly indicated that the tidelands were owned by the States. For example, there were a substantial number of instances in which the Federal Government acquired title from the States to parcels of land located in the tidelands. Why would the Government go through the steps necessary to accept a conveyance of land from a State, if it did not believe that the State owned that land? If the land had belonged to the Federal Government in the first place, obviously no conveyance from the State would have been necessary. Furthermore, there are numerous decisions of the Department of the Interior denying applications for Federal oil and gas leases in the California coastal belt on the ground that California owned the land. In other words, the executive branch of the Federal Government has taken affirmative action predicated on the ground that the States, not the Federal Governmen owned the tidelands.

Another principle which has had historic acceptance, and which is of particular importance to the people of Illinois and of other States which do not border on the open seas, is the principle that title to land under inland navigable waters is determined by the same rules of law as title to the land under the marginal seas. This principle is firmly established by many decisions, but I should like to read from only one, namely, the case of *Illinois Central Railroad* v. *Illinois* (146 U. S. 387) decided in 1892:

> It is the settled law of this country that, the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found, * * * subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. * * *
>
> The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. These Lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these Lakes. * * *
>
> We hold, therefore, that the same doctrine as to the dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under the waters on the borders of the sea, and that the lands are held by the same right in the one case as in the other, and subject to the same trusts and limitations.

The international importance of the Great Lakes is in every respect comparable to that of the Pacific Ocean or the Gulf of Mexico. The Great Lakes are inland seas separating American States on the south from a foreign country on the north. They are part of a highway for foreign commerce of growing importance. In addition to trade between Canada and the United States which passes over the Great Lakes, they form an indispensable part of any future development of the St. Lawrence seaway. Because both foreign and interstate commerce can travel over the Great Lakes, and over the rivers of Illinois to the Mississippi and the Gulf of Mexico, the questions involved in the controversy over the ownership of the tidelands are necessarily also of great concern to the people of my State and all States that border on the Great Lakes.

When the Federal Government filed its suit against the State of California claiming a paramount interest in the oil-producing lands off the Pacific coast, it was unembarrassed by its prior recognition of California as the owner of these very same tidelands. It took the position that previous Executive action was irrelevant because the Executive did not have the power to give away the property of the United States and further that the Supreme Court decisions which had previously seemed clear to everybody, were really not controlling because none of them had adjudicated the precise question of ownership of these oil fields. In itself, the assertion of paramount Federal rights over the tidelands would not have seemed particularly significant were it not for the fact that the theory of paramount rights was given an entirely new and alarming significance. The implications of the newly asserted concept of Federal supremacy were so great that the attorneys general of 45 different States filed briefs amicus curiae to support California's defense of the rights of that State and to oppose the Federal Government's assertion of power.

These attorneys general were properly alarmed for at least two reasons of fundamental importance. First, the Federal Government's new assertion of paramount Federal rights, in essence, means authority to confiscate State property without the payment of just compensation. The concept obliterates the fundamental distinction between the recognized power to regulate and even to condemn upon the payment of fair value, and rights of ownership which may be exercised without paying anybody anything. Second, the rationale of the decision was not limited to lands beneath marginal seas but also clearly affected inland navigable waters. It thus affected every State in the Union. This can best be demonstrated by considering what the Supreme Court says its decision means.

Its holding in the California case was summed up in *United States* v. *Texas* (339 U. S. 719) when the Court noted with respect to the property in controversy that "its use, disposition, management, and control involve national interests and national responsibilities. That is the source of national rights. Such is the rationale of the California decision."

The Supreme Court holds therefore that the national interest in the tidelands is sufficient to justify the exercise of complete dominion over the property without the payment of just compensation.

In principle there is no reason why this concept of paramount Federal rights does not apply equally to inland waters. The national interest in uranium deposits which might be found beneath the Illinois River, for example, would certainly not be any less important than the national interest in tideland oil. Is it not true that, to use the Supreme Court's own language, the "use, disposition, management, and control" of possible uranium deposits, or of oil wells in Illinois or of any other precious minerals, also involve "national interests and national responsibilities." If such be the source of national rights, I suppose that the paramount national interest in these matters would justify their ownership by the National Government without the payment of just compensation to the persons now thought to be the owners. Such is the rationale of the California decision, and I want none of it.

If paramount national interest means that the Federal Government can exercise rights of ownership without the

payment of just compensation, then, particularly in a period of national mobilization, it would seem to be logical to say that the Federal Government is entitled to a proprietary interest in all the defense plants, steel mills—indeed, in most of the property in the country.

I realize that the Attorney General says that the Supreme Court decision has no application to land beneath inland navigable waters. Of course, he is right if he is talking about the precise holding because the complaint was carefully limited to the tidelands. But that does not mean that the principle of the decision will not in the future be applied to inland waters. As I pointed out previously, before the California case was filed there had been no claim by the executive branch of the Government that the tidelands were subject to Federal ownership. On the contrary, the Executive, acting through appropriate agents, had repeatedly taken the position that the tidelands belonged to the States. This position was supported by opinions of the Supreme Court, which also established the rule that inland navigable waters were subject to the same type of ownership as tidelands.

When the Attorney General was recently asked to comment on the fact that the States were in peaceful possession of the tidelands for more than 100 years, he answered that the precise question involved in the California case had "just never happened to be raised." The fact that the question of ownership of the tidelands oil had not previously been raised did not in any way prevent the Federal Government from instituting in Court the California case when it saw fit to do so.

If the present Attorney General can justify the Government's position with respect to the tidelands on the ground that the question had not previously been raised, what is to prevent another Attorney General a few years hence from making precisely the same statement when he files a test case involving inland waters?

Consider, for example, the careful statement by the present Secretary of the Interior in hearings before our committee:

> As Attorneys General and Secretaries of the Interior have said many times, the executive branch of the Government has never made any claim to the submerged lands beneath navigable inland waters.

Before the California suit was filed, precisely the same statement could have been made by the executive with respect to the tidelands, but would have afforded scant comfort to the State of California when the executive changed his mind and decided to file the California case. Similar statements today are of no greater protection against the possibility that tomorrow the Executive will assert a claim to submerged lands under inland navigable waters in other States. The fact that the Federal Government has not as yet made any claim is of no protection whatsoever to States which like to think that they are the owners of valuable lands under inland waters.

All we can tell from the California opinion is that the Supreme Court recognizes that "the belief"—and those are the Court's words—the belief that the States have title to lands under landlocked navigable waters "finds some argument for its support" (332 U. S. 34). Would the "same argument" which the Court acknowledges be sufficient to override the logic of the Court's own position? We cannot be sure of the answer to this question until the Court passes on the inland water issue. In the meantime, the States will properly be concerned with the logic of the Supreme Court's opinion, together with the many cases holding that ownership of the tidelands and of inland submerged lands are governed by the same rules of law. This concern can only be allayed by congressional action.

I wish to take this opportunity to comment briefly on the argument which is used by opponents of this legislation. The argument takes many forms, but basically it comes down to this; the tidelands are valuable property, producing great income for their owners. Why should we let three States have this income? Why not spread the wealth among all the States?

It seems to me that the fact that this argument is used to oppose this legislation is one of the best reasons for enacting it. Whenever a State is blessed with particularly valuable resources, should the other States enviously look upon the fortunate one and demand that its blessings be shared by all? Should we nationalize the automobile industry because its benefits now flow primarily to Michigan? Since I come from a great and prosperous State—one which has always been among the leaders of our Union in commerce, industry, and natural endowments—I cannot but abhor any suggestion that ownership of property should be vested in the Federal Government simply because the property produces valuable revenues.

And now particularly to those who sit to my left, let me make this closing observation.

In 1948, at its most recent national convention in Philadelphia the Republican Party adopted a platform of principles, one paragraph of which reads as follows:

> We favor restoration to the States of their historic rights to the tide and submerged lands, tributary waters, lakes, and streams.

The enactment of the Walter bill, H. R. 4484, will carry out this pledge.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. REED of Illinois. I yield to the gentleman from California.

Mr. HINSHAW. The gentleman in the course of his remarks referred to a statement made before his committee by the Secretary of the Interior, Mr. Oscar Chapman, in which, I believe, he pointed out that they had never made any claim to anything below the water in the inland waters, and that has been used by some people here on this floor as an indication that they never intend to do so. May I repeat a few words from Mr. Harold Ickes' letter of December 22, 1933, in which he says:

> It has been distinctly settled * * * that title to the shore and under water in the front of lands so granted inures to the States in which they are situated * * * such title to the shore and the lands under water is regarded as incident to the sovereignty of the State.

Of course, it was not until 1945 that Mr. Ickes decided to change his mind, but that mind can be changed by anyone in the future unless the law is settled by the Congress of the United States.

Mr. REED of Illinois. I thank the gentleman.

Mr. CELLER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, the measure under consideration, H. R. 4484, purports to confirm and establish the titles of the several States to lands beneath navigable waters within their boundaries, the real purpose of this proposed legislation, however, is to vest in the respective coastal States along the shores of this country, the full control and ownership of the lands and the tremendously valuable petroleum resources underlying the marginal sea adjacent to those States. As I shall show during the course of my remarks, no other submerged lands are involved or have been placed in jeopardy by any controversy between the United States and the coastal States. Land underlying the ocean, however, have been held by the Supreme Court, in the recent cases of United States against California, United States against Louisiana, and United States against Texas, to be subject to the exclusive control of the United States, and not to be the property of the adjacent coastal States. This bill would, therefore, result in nullification of the decisions and judgments of the Supreme Court in those cases.

It should be made clear at the outset that the issue involved in this controversy relates solely to lands which underlie the ocean, seaward of low-water mark, and outside of the inland waters of this country. It does not involve any tidelands, which are those lands between high- and low-water mark, nor does it involve any lands underlying rivers, bays, lakes, or other inland navigable waters. Such lands were specifically excluded on the complaint filed by the United States in the off-shore cases, and from the decisions and decrees rendered by the Court in those cases.

Proponents of State ownership urge that certain broad language appearing in earlier decisions, where lands such as those "beneath navigable waters" and "beneath tidewaters" were held to be the property of the States in which they were situated, should be extended to include the lands underlying the ocean. This argument was very clearly and forcefully presented to the Supreme Court in the California proceeding and every case and authority remotely relating to the point was cited and discussed in the briefs and oral arguments. It was found, however, and the Court held, that none of the cases cited had determined the question as to the ownership of lands under the ocean. All of the cases cited were found to involve either tidelands or lands beneath inland navigable waters, and the Court refused

to enlarge the rule governing the ownership of such lands so as to embrace submerged ocean lands. The same argument was made on behalf of Louisiana, and again the Supreme Court rejected it.

In this connection, it seems appropriate to emphasize an aspect of this problem which should always be kept in mind. This is the fact that the ownership of lands beneath ocean waters, beyond the shores of this country and outside of inland waters, is an entirely different matter, insofar as legal principle is concerned, from the ownership of tidelands between high- and low-water mark or lands under bays, rivers, and other inland waters. The Supreme Court has on numerous occasions held that the States own their tidelands and the lands under inland navigable waters. The United States does not and never has challenged the rulings in those decisions. But the ownership of lands under the ocean, the principles governing which are derived not from the common law but from developments in the law of nations, is something totally different. Beyond low-water mark and beyond the seaward limit of inland waters, the domain of international affairs is reached, and different rights and different problems are encountered. It is for this reason that State ownership of tidelands and lands under inland navigable waters is not in any way threatened by the decisions of the Supreme Court in the California, Louisiana, and Texas cases. This same reason demonstrates the complete fallacy of the astounding, but frequently repeated, suggestion that the rationale of the offshore decisions would permit the United States to take over lands under inland waters or even private upland property without payment of compensation. In asserting its rights as a Nation to the lands under the ocean next to its shores, the United States is not taking anything that belongs to any State or person.

It is not accurate to say that the States have exercised full and undisputed powers of ownership over the ocean bed underlying the marginal sea since their respective admission to the Union, and that this exercise of ownership has been accompanied by "full acquiescence and approval of the United States," and has been in accordance with the many decisions of the executive departments of the Federal Government, as the Supreme Court pointed out in its California opinion:

> The question of who owned the bed of the sea only became of great potential importance at the beginning of the twentieth century when oil was discovered there (332 U. S. at 38).

And, again, said:

> As a matter of fact, the record plainly demonstrates that until the California oil issue began to be pressed in the thirties, neither the States nor the Government had reason to focus attention on the question of which of them owned or had paramount rights in or power over the 3-mile belt (332 U. S. at 39).

From an early stage of the controversy, officials of the executive branch have made it clear that the United States is making no claim to tidelands or lands underlying inland navigable waters. In substantiation thereof I refer to the following:

(a) Excerpt from press release by Department of Justice, October 19, 1945, the date suit against California was filed by Attorney General Tom C. Clark: Mr. Clark emphasized that the controversy relates exclusively to the so-called marginal sea, extending beyond low-water mark to the 3-mile limit, and that no claim is made to tidelands or lands beneath bays, harbors, or other inland navigable waters.

(b) Excerpt from message of the President, dated August 1, 1946, vetoing House Joint Resolution 225 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10660):

> The Supreme Court's decision in the pending case will determine rights in lands lying beyond ordinary low-water mark along the coast extending seaward for a distance of 3 miles. Contrary to widespread misunderstanding, the case does not involve any tidelands, which are lands covered and uncovered by the daily ebb and flow of the tides; nor does it involve any lands under bays, harbors, ports, lakes, rivers, or other inland waters.

(c) Excerpt from argument of Attorney General Clark before Supreme Court in United States against California, March 13, 1947:

> It is important to point out, in the beginning, what this case does not involve.
>
> The United States raises no question as to the ownership of ports, harbors, bays, rivers, lakes, or other inland waters. Nor is any question raised as to the ownership of the tidelands, that is, that narrow strip which lies between high and low water marks of the Pacific Ocean on the coast of California. The area here in controversy begins where the tidelands end. It is an area extending 3 miles from low-water mark into the sea.

(d) Excerpt from statement of Attorney General Clark, March 2, 1948, at joint hearings before Committees on the Judiciary of Senate and House of Representatives considering S. 1988 and similar House bills, Eightieth Congress, second session (hearings, p. 610):

> The Federal Government does not now assert and has no intention of asserting any claim to inland navigable waters and the beds thereof.

I have said that a hundred times.

The claims of the coastal States that this issue has been decided by the Supreme Court and lower courts more than 100 times are not founded in fact. Prior to the decision in United States against California, rendered June 23, 1947, the Supreme Court had never had occasion to pass on the question as to who owned or had the right to develop mineral resources in the bed of the ocean. Both the majority opinion and the dissenting opinion of Mr. Justice Reed in the California case recognized that the question was before the Court for the first time. To be sure, counsel for California brought to the attention of the Court all the earlier cases now referred to by proponents of State ownership, but it was shown to the Court that not a single one of those cases involved the ownership of lands under the ocean. The Members of the House may be interested in knowing that all of the leading cases on this point have been the subject of a recent analysis made by the Legislative Reference Service of the Library of Congress, in a document entitled "Jurisdiction of Submerged Lands of the Open Sea," prepared at the request of the chairman of the Senate Committee on Interior and Insular Affairs. Beginning on page 17 of that document, there is a list of all of these cases and a brief statement with respect to the particular submerged land involved in each case. This analysis reveals that none of these cases involved the question of ownership of lands underlying the ocean.

When considering the matter for the first time in the California case the Supreme Court decided that dominion over the lands underlying ocean waters adjacent to the shores of this country is an incident of the national external sovereignty of this country, and is not an attribute of the local sovereignty of the respective coastal States. This is true because such rights as any nation may enjoy in any portion of the beds of the oceans of the world are rights which are derived from international law, and from customary rules and principles developed by relations within the family of nations. In deciding United States against California, the Supreme Court held that the original Thirteen Colonies, when they separated from the British Crown, did not acquire all of the sovereignty of the British Crown; they did not enjoy the Status of independent nations, and were not separately vested with national sovereignty. From this and other considerations, the Court concluded that the Thirteen Original States did not separately acquire ownership of the bed of the marginal sea adjacent to this country. On the other hand, the Court did find that the United States, in the conduct of its relations with other nations, has acquired and now holds paramount rights and powers in the marginal sea, including dominion over the mineral resources of the subsoil.

Since the Original Thirteen States did not own the bed of the marginal sea adjacent to their shores, it follows that none of the other coastal States subsequently admitted to the Union on an equal footing have any ownership of such land. The State of Texas has contended that it is an exception in this regard because it was prior to its admission to the Union in 1845, an independent republic. However under the principle announced in the California decision, Texas cannot be vested with any status in respect to offshore lands greater than that held by her sister coastal States. Assuming that Texas did own the lands under her marginal sea prior to 1845, she held those lands by virtue of her national sovereignty as an independent republic. When Texas entered the union, she surrendered her national sovereignty, and accepted in lieu thereof State sovereignty, as one of the component States of the Union. As a consequence of this relinquishment of her national sovereignty and acceptance of State sovereignty, Texas was required to accept the disadvantages, as well as the advantages, created by this change of status. Having been admitted to the Union on an equal footing with all

other States she could no longer hold those rights and interests in submerged ocean lands which may be held only by a national and not a State sovereign. This is the reasoning upon which the Supreme Court based its decision in *United States* v. *Texas* (339 U. S. 707—see page 717–718).

The case of *U. S.* v. *Louisiana* (339 U. S. 699), decided on the same day the Texas decision was rendered, was found to involve substantially the same facts and circumstances as the California case and to be governed by that case.

The law controlling the question as to the disposition of mineral resources of the ocean beds adjacent to this country has been decided by the Supreme Court in the three cases which have been mentioned. The Supreme Court has rendered its decisions in the exercise of the function vested in it by the Constitution and its decision in this respect is final. The problem before the Congress, therefore, is not one which involves a reargument of the California, Louisiana, and Texas cases, but rather a decision of the policy question as to whether these tremendously valuable resources, known and yet to be discovered, should be retained and developed for the benefit of the people of the United States as a whole or should be transferred to a few coastal States to be enjoyed by the people of those States alone. This, of course, is a question that Congress is empowered to decide under the provisions of article IV of the Constitution, which vests in the Congress the power of disposition with respect to the territory and other property of the United States. With this same power, however, there rests the responsibility to see that these resources, which have been held to belong to all the people, are utilized in such a way as to inure to the benefit of all people of all States.

To me, Mr. Chairman, the question is one which is readily answered. I cannot vote for any proposal which would give away what I regard to be a national inheritance.

I believe that at the present time we should have interim legislation such as House Joint Resolution 274. The reason for this is that the history of this controversy in the Congress reveals that since 1937 neither the administration nor the proponents of quitclaim legislation have been able to obtain enactment of permanent legislation. It is likely that this stalemate will continue for some time. In the interest of national defense and the security of this country, I think that new oil production under the management of the Federal Government should be permitted and encouraged—at least during the interim which may elapse before any permanent legislation is enacted.

In illustration of this stalemate to which I have referred, I have prepared a brief summary of this controversy which I will insert at this point:

I. BACKGROUND

The Federal-State controversy over the control and management of the petroleum and other resources in lands underlying ocean waters adjacent to this country has been before the Congress since 1937. The submerged lands involved are those situated seaward of low-water mark on the open coast and outside of inland waters. The basic legal issue involved in the controversy has been decided in favor of the Federal Government in the Supreme Court cases of *United States* v. *California* (332 U. S. 19 (1947)), *United States* v. *Louisiana* (339 U. S. 699 (1950)) and *United States* v. *Texas* (339 U. S. 707 (1950)), which hold that the coastal States do not own the adjacent submerged ocean lands and that the power to develop the mineral resources in such lands is vested in the United States and not in the respective States.

In 1946, the Congress passed a joint resolution (H. J. Res. 225, 79th Cong.) which would have quitclaimed to the respective coastal States the rights of the United States in the lands underlying the 3-mile belt of the ocean. The measure was vetoed by the President, and the veto was sustained. Since that time proponents of State control have continued to urge upon the Congress the enactment of such legislation. On the other hand, the executive branch of the Government has repeatedly requested the Congress to enact legislation to provide for the development and management of offshore oil lands under the authority of the Federal Government. Until appropriate legislation has been enacted by the Congress there can be no new development of petroleum resources in offshore areas; as a result of the Supreme Court's decisions, State leases of such lands are invalid, and no Federal leases may be issued until authority therefor has been granted by the Congress. To date, no measure providing for either Federal or State control has been finally enacted into law.

Of the many proposals thus far presented to the Congress those warranting particular mention are the following (for convenience the bills will be classified as either administration or quitclaim measures):

Administration measures

In the Seventy-fifth Congress, the Nye resolution (S. J. Res. 208), asserting the claim of the United States to submerged lands within the 3-mile belt, passed the Senate on August 19, 1937 (CONGRESSIONAL RECORD, vol. 81, pt. 8, p. 9326), and was favorably reported by the House Judiciary Committee (H. Rept. 2378, CONGRESSIONAL RECORD, vol. 83, pt. 6, p. 7178), but was not acted upon by the House.

In the Seventy-sixth Congress, similar measures (S. J. Res. 83 and 92, and S. J. Res. 176 and 181) were introduced. Hearings were held by both the Senate Committee on Public Lands and the House Committee on the Judiciary in March 1939, but no further action was taken.

In the Eightieth Congress, a bill to provide for Federal management and leasing of offshore oil lands under the supervision of the Secretary of the Interior was introduced in both Houses of Congress (see S. 2165, introduced by Mr. BARKLEY, and H. R. 5890, introduced by Mr. CELLER), but no action of any kind was taken with respect to the bill. This proposed legislation was presented to the Congress on the joint recommendation of the Secretary of Defense, the Secretary of the Interior, and the Attorney General, as representing the proposal of the executive branch for the development and management of offshore oil lands. The bill would have authorized the issuance of Federal leases of offshore areas, including exchange leases for existing State leases, the conservation and development of the resources in such lands under regulations designed to serve the interests of national defense, and a sharing of the revenues derived from such lands with the adjacent coastal States.

In the Eighty-first Congress, the management bill recommended by the executive branch was again introduced (S. 923, by Mr. O'MAHONEY, and H. R. 354, by Mr. CELLER). On October 4–10, 1949, hearings were held by the Senate Committee on Interior and Insular Affairs on S. 923, and certain other bills, including quitclaim bills, introduced in the Senate, but no action was taken with respect to any of these measures. Late in the Eighty-first Congress an interim management bill (S. J. Res. 195), introduced by Senator O'MAHONEY, was the subject of hearings held by the Senate Committee on Interior and Insular Affairs, August 14–19, 1950.

In the Eighty-second Congress, the administration management bill has not been introduced. However, there is pending before both Houses of the Congress an interim management bill (S. J. Res. 20, by Mr. O'MAHONEY and Mr. ANDERSON, and H. J. Res. 274, by Mr. CELLER), which would provide authority for continued offshore oil and gas operations under Federal control until the Congress has had occasion to consider permanent legislation on the subject.

Quitclaim measures

In the Seventy-ninth Congress, House Joint Resolution 225, which proposed to surrender to the coastal States all right, title and interest of the United States in and to submerged lands within the three-mile belt, passed the House on September 20, 1945. It passed the Senate, with amendments, on July 2, 1946, and the House concurred in these amendments on July 27, 1946 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10316). The proposed legislation was vetoed by the President on August 1, 1946 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10660) and the veto was sustained by the House on August 2, 1946 (CONGRESSIONAL RECORD, vol. 92, pt. 8, p. 10745).

In the Eightieth Congress, joint hearings were held by the Committees on the Judiciary of the Senate and House of Representatives, from February 23 to March 18, 1948, on S. 1988 and similar House bills. All of these measures proposed, in substance, to quitclaim to the coastal States submerged ocean lands within their seaward boundaries. On April 21, 1948, H. R. 5992 (substantially the same as S. 1988) was reported favorably by the House Judiciary Committee and on April 30, 1948, the bill was passed by the House (CONGRESSIONAL RECORD, vol. 94, pt. 4, p. 5155). No action on H. R. 5992 was taken by the Senate, but on June 10, 1948, the Senate Committee on the Judiciary, by a vote of 7 to 6, favorably reported S. 1988, with certain amendments (CONGRESSIONAL RECORD, vol. 94, pt. 6, p. 7682). No further action was taken with respect to S. 1988.

In the Eighty-first Congress, numerous quitclaim measures were introduced in both Houses of Congress. On October 4–10, 1949, the Senate Committee on Interior and Insular Affairs held hearings on S. 155 and S. 1545, along with certain bills proposed by the executive branch. No further action was taken by the Senate. On August 24–26, 1949, a subcommittee of the House Committee on the Judiciary held hearings on H. R. 5991 and H. R. 5992, which were referred to as compromise measures, but which would have provided for State management and leasing of offshore lands, both within State boundaries and on the Continental Shelf beyond State boundaries, with a division of revenues between the Federal Government and the respective State governments. On May 17, 1950, H. R. 8137, a committee substitute for H. R. 5991, which provided for a quitclaim of all lands within the seaward boundaries of the coastal States, was reported favorably by the House Committee on the Judiciary (CONGRESSIONAL RECORD, vol. 96, pt. 6, p. 7188).

In the Eighty-second Congress, at least a dozen quitclaim measures have been introduced in the House of Representatives. One of these, H. R. 4484, introduced by Mr. WALTER and reported favorably by the Committee on the Judiciary on July 12, 1951, is substantially the same as H. R. 8137, Eighty-first Congress. In the Senate, S. 940, providing

for a transfer to the coastal States of all submerged ocean lands within their seaward boundaries, has been introduced under the sponsorship of 35 Senators.

II. STATUS OF COURT PROCEEDINGS

As above indicated, the legal rights of the United States in lands under the ocean, seaward of low-water mark and outside of inland waters, have been established in the three Supreme Court cases brought against California, Louisiana, and Texas.

The California case, decided June 23, 1947, is still before the Supreme Court for an adjudication of the boundary between the open waters of the Pacific Ocean and the inland waters of the State along certain segments of the California coast. The Court is presently awaiting briefs of the parties regarding the report of a special master appointed for the purpose of determining a procedure by which such an adjudication can be made.

The segments of the California coast under consideration by the Court include all offshore areas within which known petroleum deposits are situated. All of these areas are subject to a dispute as to whether they are in the open sea or in inland waters and, pending the resolution of this dispute by the ascertainment of the boundary, oil and gas operations previously authorized under State leases have been continued under a stipulation entered into by the parties to the litigation. Under this stipulation, operations are being conducted under State management, with certain powers of supervision and control being vested in the Secretary of the Interior, and with the revenues being impounded for ultimate disposition to the party determined to be entitled thereto. From June 23, 1947, to September 30, 1950, these revenues were held by the State of California. Since October 1, 1950, the moneys have been paid to the Secretary of the Interior for deposit in a special fund in the Treasury of the United States.

The Louisiana and Texas cases were decided June 5, 1950, and decrees were entered December 11, 1950 (340 U. S. 899; 340 U. S. 900). It presently appears that none of the Texas coast and a relatively small portion of the Louisiana coast will require an adjudication as to the boundary between Federal and State areas. Indeed, the offshore operations in the Gulf of Mexico are, for the most part, in areas which are clearly open sea, some of them being located almost 30 miles from shore.

On December 11, 1950, the Secretary of the Interior issued an order granting temporary permission to holders of State oil and gas leases in the Gulf of Mexico to continue existing operations being conducted under such leases, subject to regulation by the Secretary and the payment of revenues due under the leases to the United States. This order was issued under the authority of the executive branch to take such steps as may be necessary to protect the resources of the United States and to prevent the waste of or injury to such resources.

It should be kept in mind that neither the stipulation in the California litigation nor the Secretary's order covering operations in the Gulf of Mexico permits any new exploration or development of offshore oil deposits, except where such new development is required to prevent drainage of oil from lands of the United States by wells drilled in other lands. New exploration and new development must await the enactment of legislation authorizing such activity.

III. STATUS OF PROPOSALS BEFORE THE EIGHTY-SECOND CONGRESS

The most significant measures before the Eighty-second Congress are the quitclaim bills (S. 940 and H. R. 4484) and the interim management measures (S. J. Res. 20 and H. J. Res. 274). On May 1, 1951, the Senate Committee on Interior and Insular Affairs, while considering Senate Joint Resolution 20, voted on a motion by Senator CORDON to substitute the quitclaim bill, S. 940, for Senate Joint Resolution 20. The motion was defeated by a vote of 7–6. The final vote of the Senate committee on certain proposed amendments to Senate Joint Resolution 20 is yet to be taken.

Senate Joint Resolution 20 and House Joint Resolution 274 are designed to provide authority, on an interim basis, for a continuation of oil and gas operations and development of offshore submerged lands until such time as the Congress can enact permanent legislation on the subject. The proposal for such interim management legislation was first made by Senator O'MAHONEY when, on July 20, 1950, he introduced Senate Joint Resolution 195, Eighty-first Congress. In support of his proposal, Senator O'MAHONEY stressed the fact that the controversy which had existed between the States and the Federal Government since 1937, and which, he observed, may possibly continue for many more years, should not be permitted to prevent continued development and exploration of offshore oil lands while the Congress is debating the question as to the permanent disposition to be made of the matter. Senator O'MAHONEY also emphasized the great need for increased production of petroleum created by the Korean crisis and the national defense program.

The proposed interim legislation was not sponsored by the executive branch, although its representatives concurred in the view that some legislation to authorize continued offshore production during the current emergency is greatly needed. At the hearings on the measure, held by the Senate Committee on Interior and Insular Affairs, August 14–19, 1950, representatives of both the Department of the Interior and the Department of Justice appeared and suggested to the committee that the measure, if enacted, should be amended in certain respects. During these hearings it was also revealed that the proposed interim legislation has the strong support of the oil industry.

Senate Joint Resolution 20 and House Joint Resolution 274, the interim measures before the Eighty-second Congress, are modifications of Senate Joint Resolution 195. The changes which have been made reflect the suggestions of the executive branch as well as certain amendments recommended by the oil industry. As introduced, Senate Joint Resolution 20 and House Joint Resolution 274 have the approval of the Department of the Interior and the Department of Justice, and the Senate Committee on Interior and Insular Affairs was so advised during hearings held on the measure February 19–24, 1951. In addition, the Secretary of Defense has advised the committee that the Department of Defense concurs in the views expressed by the Department of the Interior. At the February hearings, the committee also heard representatives of the oil industry urge the enactment of Senate Joint Resolution 20.

Further hearings were held by the Senate committee, in executive session, on March 28, 1951, at which time representatives of the executive branch were given an opportunity to express opposition to S. 940, the quitclaim bill, which, it had been indicated, proponents of State control intended to offer as a substitute for Senate Joint Resolution 20. As above stated, a motion for such substitution was defeated in the committee on May 1.

IV. PROVISIONS OF THE PROPOSED INTERIM LEGISLATION

A summary of the provisions of Senate Joint Resolution 20 and House Joint Resolution 274 is as follows:

1. State leases of offshore lands, which meet certain requirements, as determined by the Secretary of the Interior, would be continued in effect (sec. 1 (b)).

2. These requirements would include the following (sec. 1 (a)):

(a) Issuance of the State lease prior to December 21, 1948 (the date suit was filed in the Louisiana and Texas cases) and maintenance thereof in force and effect on June 5, 1950 (the date of the Supreme Court's decisions in those cases).

(b) Payment to the Secretary of all rents, royalties and other sums payable subsequent to June 5, 1950, which have not already been paid under the lease. Such moneys would be deposited by the Secretary in a special fund in the Treasury.

(c) Absence of fraud in the obtaining of the lease.

(d) Original issuance of the lease on the basis of competitive bidding, if issued after June 23, 1947.

(e) Provision for a minimum royalty of 12½ percent.

(f) Execution of a surety bond to protect the interests of the United States.

3. The Secretary of the Interior would exercise the powers of supervision and control vested in the lessor under the State leases (sec. 1 (c)).

4. The Secretary of the Interior would be authorized, with the approval of the Attorney General, to certify that the United States claims no proprietary interest in lands under inland navigable waters which may be covered by State leases (sec. 2).

5. In the event of a controversy between the United States and a State as to whether or not certain submerged lands are situated beneath navigable inland waters, the Secretary would be authorized, with concurrence of the Attorney General, to negotiate and enter into an agreement respecting the continuation of operations in such lands, and the impounding of revenues therefrom, pending the settlement of adjudication of the controversy (sec. 3). Existing stipulations and temporary authorizations for continued operations would be confirmed.

6. The Secretary of the Interior would be authorized, pending the enactment of further legislation on the subject, to issue, on a basis of competitive bidding, new oil and gas leases of offshore lands not covered by existing State leases, but, for a period of 5 years such new leases covering lands within the seaward boundaries of a coastal State could be issued only with the consent of such State (sec. 4).

7. All revenues derived from operations conducted under the proposed legislation, whether from continued State leases or from new leases, would be subject to the following disposition: 37½ percent of the moneys received from operations within the seaward boundary of a State would be paid to such State; all other moneys so received would be held in a special account in the Treasury pending the enactment of legislation concerning the disposition thereof (sec. 5).

8. The Secretary of the Interior would be authorized to issue regulations deemed to be necessary or advisable in the performance of the functions entrusted to him (sec. 6).

9. The President would be authorized to withdraw from disposition any unleased offshore lands and reserve them for the use of the United States in the interests of national security (sec. 7 (a)).

10. During a state of war or national emergency, the Secretary of the Interior, upon the recommendation of the Secretary of Defense, would be authorized to suspend operations under or terminate any lease of offshore lands, provision being made for the the United States would not be affected (sec. 7 (c)).

11. Any rights in offshore lands which may have been acquired under any other law of the United States would not be affected (sec. 8).

Mr. GRAHAM. Mr. Chairman, I yield such time as he may desire to the distinguished gentleman from Louisiana.

Mr. LARCADE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LARCADE. Mr. Chairman, I represent one of the largest oil-producing districts in the State of Louisiana, and our State is the third largest oil-producing State in the United States, and aside from this fact, I am a strong believer in and supporter of States' rights, and I will defend States' rights to the last ditch. Therefore, Mr. Chairman, I am supporting to the full limit of my capacity, H. R. 4480, to confirm and establish the title of States to lands beneath navigable waters within State boundaries, and natural resources within such lands and waters, and to provide for use and control of said lands and resources.

Since the Supreme Court's decision on June 23, 1947, in the case of the United States against California, the subject and the decision covering the matter has been of great concern to the people of Louisiana and their State officials, and I share and wish to express the amazement and resentment of the people and the public officials of the State of Louisiana over this decision and the new ideology of government it would establish by enabling the Federal Government to confiscate the tidelands and submerged lands within the boundaries of our State or any State in the Union.

The State of Louisiana is not the only State affected by the decision of the Supreme Court in this matter. Practically every other State in the Union is affected by this decision, and in order to preserve to my State and all other States title to tidelands and lands beneath the navigable waters within their boundaries, I strongly urge my colleagues to vote for the enactment of H. R. 4484. Mr. Chairman, I would go further and say that I urge the defeat of any legislation which would divest the States, parishes, counties, or cities of title to and ownership of their lands and natural resources, without compensation, and vest same in the Federal Government or any agency thereof in any capacity.

It is the first United States decision holding that any private or governmental agency has the right to take property and resources beneath the soil without lease or fee ownership or without compensation to the true owner.

It is also the first decision in America holding that the Federal Government's responsibility to protect the shores can give it rights heretofore identified with the ownership of shores.

Since the Declaration of Independence, both State and Federal Governments had recognized that the ownership vested in the States of all submerged lands within their respective boundaries. Throughout these years legal background was established, and precedent—bulwarked by 244 Federal and State court decisions, 49 United States Attorney General opinions, 32 Department of the Interior opinions, and 52 Supreme Court decisions—became so firmly established that State ownership of these lands became recognized as invulnerable to successful attack.

Under these circumstances, Louisiana felt certain and secure in our title to our submerged land and all public lands, for revenues amounting to approximately $60,000,000 has been dedicated and appropriated largely for school purposes. The loss of this continued revenue would seriously affect the economy and tax structure of our State.

All of the tidelands States, since their entry into the Union, have had and exercised their proprietary rights in these submerged lands.

While the Supreme Court denies proprietary rights in these lands to California, it is significant that the Court failed to find that the Federal Government owned the property.

It stated:

> The crucial question on the merits is not merely who owns the bare legal title to the land under the marginal seas. The United States here asserts rights in two capacities transcending those of a mere property owner.

These rights asserted by the Supreme Court are, first, the right and responsibility of the Federal Government to conduct the national defense of this country, and, second, the right and responsibility of the Federal Government to conduct the relations of the United States with other nations.

In this decision the Supreme Court has announced Federal powers which the Congress has refused or failed to convey. Twice the Congress refused to grant specific authority for the Attorney General to sue California for these lands. The Eightieth Congress passed a resolution recognizing State ownership and quitclaiming to the States, only to have it vetoed by the President.

President Truman vetoed the legislation for the alleged reason that the question of ownership was then before the Supreme Court to decide. Now that the Supreme Court's decision has evaded and transcended the question of legal ownership, it is now logical and proper for the President to vouchsafe to the Congress the consideration and determination of the question of ownership.

The Supreme Court's decision and the purport and effect of the so-called administration and Cabinet bills to effectuate it proclaims a new ideology of government in America. This decision and the bills referred to establish a national policy of the Federal Government having paramount rights and dominion over oil, one of the vital natural resources. It would establish a policy and a precedent of nationalization of vital resources. It would further unbalance the Federal-States' powers and relationships which were well balanced and defined by the Constitution of the United States. If we are to maintain our form of government in the United States, we cannot afford to take this step toward nationalization and further centralization of power in our Federal Government.

The power and duty of the Congress is crystal clear in its decision of this question. This will not be the first time that the Congress will have found it necessary to nullify decisions of the Supreme Court which result in legislation rather than judicial interpretation and decision. Justice Reed, in dissenting from the Supreme Court decision in the California case, said:

> This ownership in California would not interfere in any way with the need or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of these lands, to me the tone of the decision dealing with similar problems indicates that without discussion State ownership has been assumed.

Some of the more than 54 decisions handed down by the United States Supreme Court in the past 100 years and more have finally held as follows:

In the case of *Martin* v. *Waddell* (16 Peters 410), the United States Supreme Court, in 1842, held:

> For when the Revolution took place, the people of each State became themselves sovereign, and in that character held the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

Again, in 1845, the United States Supreme Court held in the case of *Pollard* v. *Hagan* (3 How. 223):

> When Alabama was admitted into the Union on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remains to the United States, according to the terms of the agreement, but the public lands; and if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative because the United States has no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.
>
> The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted, and remain unquestioned, except so far as they are temporarily deprived of control over the public lands. (Such waste and unappropriated lands ceded to the United States under the old Congress of September 6, 1780, to aid in paying the public debt incurred by the War of the Revolution, providing that "whenever the United States shall have fully executed these trusts, the municipal sovereignty of the new States will be complete, throughout their respective borders, and they, and the original States, will be upon an equal footing in all respects whatever.")

The above case was affirmed in 1850 in *Goodtitle* v. *Kibbe* (9 How. 478).

In *McCready* v. *Virginia* (94 U. S. 391, in 1876), the United States Supreme Court again decided:

> The principle has long been settled in this Court that each State owns the beds of all tidewaters within its jurisdiction, unless

they have been granted away. * * * And, in like manner, the States own the tidewaters themselves and the fish in them so far as they are capable of ownership while running. For this purpose the State represents its people and the ownership is that of the people in their united sovereignty. * * * The right which the people of the State thus acquired comes not from their citizenship, alone, but from their citizenship and property combined. It is in fact a property right and not a mere privilege or immunity of citizenship.

Citing the elder cases of *Pollard* v. *Hagan* (3 How. 212); *Smith* v. *Maryland* (18 How. 74); *Mumford* v. *Waddell* (6 Wall. 436); *Weber* v. *Harbor Comrs.* (18 Wall. 66).

In the Abby Dodge case decided in 1919, reported in 223 United States 166, the United States Supreme Court held that the State of Florida owned the soil and the sponge beds in the water bottoms of the Gulf of Mexico within the boundary of the State of Florida.

It is unnecessary to cite from the numerous decisions of the United States Supreme Court sustaining the same principle of ownership of submerged lands within their borders by the various States of the Union. These are covered fully in a memorandum filed by the attorney general of Louisiana and various others.

But here let me cite only some of the United States Supreme Court decisions relative to the ownership of the State of California by virtue of its inherent sovereignty, as granted and recognized by the act of Congress admitting California as a State into the Union, which at this late date the Secretary of the Interior would deny, and the recent decision of October 1946 confounds with the Federal Government's paramount power and dominion.

In 1873 the United States Supreme Court again held in the case of *Weber* v. *Harbor Comrs.* (18 Wall. 57):

> Upon the admission of California into the Union upon equal footing with the orignal States absolute property in, and domination and sovereignty over, all soil under the tidewaters within her limits passed to the State, and with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the General Government.

In 1867, in *Memford* v. *Wardwell* (6 Wall. 423, 436), the United States Supreme Court again held that when California was admitted into the Union in 1850, the act of Congress admitting her declares that she is so admitted on an equal footing in all respects, with the original States and that—

> The settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the Original States were not granted by the Constitution to the United States, but were reserved to the several States and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders.
>
> When the Revolution took place the people of each State became themselves sovereign and in that character held the absolute right to their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution.
>
> Necessary conclusion is that the ownership of the lot in question (flat in San Francisco Bay), when the State was admitted into the Union, became vested in the State as the absolute owners, subject only to the paramount right of navigation.

And, as recently as in 1935, the United States Supreme Court again held in *Borax, Ltd.* v. *Los Angeles* (296 U. S. 10), that tidelands in California passed to the State upon her admission to the Union, said that the Federal Government had no right to convey tideland which had vested in the State by virtue of her admission.

In that case the city of Los Angeles brought suit to quiet title to lands claimed to be tidelands owned by it under a legislative grant by the State of California; while the Borax Co. claimed under a patent of the United States in December 1881 which, in the words of the Court "purported to convey land on the Pacific Ocean."

The Court through Chief Justice Hughes quoted from the above-cited case of McCready against Virginia, and held that the lands in question were tidelands.

The Federal Government had no right to convey tidelands which had vested in the State by virtue of her admission.

Specifically, the term "public lands" did not include tidelands.

In this connection the United States Supreme Court again held:

> The soils under tidewaters within the Original States were reserved to them, respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relations to such lands within their borders as the Original States possessed (p. 15).

And, that these lands being tidelands, "title passed to California at the time of her admission to the Union in 1850."

That the Federal Government had no power to convey tidelands which had thus vested in a State—citing Pollard against Hagan, Goodtitle against Kibbe above.

It has been stated that all courts of the land consistently have followed the decisions of the United States Supreme Court, establishing a well-settled jurisprudence in this country, that the States and their grantees own the submerged lands within their borders.

By contrast the United States Supreme Court in October 1946, pretended that the State of California had invaded the title or paramount right asserted by the United States to an area of tideland within that State's boundary, and that California had converted to its own use oil which was extracted from these tidelands, which had ever before been recognized as its own property.

"This alone," said the Supreme Court, "would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III."

That smacks of the fabled wolf that ate up the helpless little lamb.

The United States Supreme Court had repeatedly recognized and judicially stated the right and title of the coastal States of the Union, including California, to the tidelands within their boundaries or jurisdiction.

In 1876, in McCready against Virginia, above, the United States Supreme Court adjudicated with almost solemn and poetic dignity upon the united sovereignty of the people of the States, and held that the principle was long settled in this Court, that each State owns the beds of all tidewaters within its jurisdiction, and owned the tidewaters themselves and the fish in them so far as they are capable of ownership, and that for this purpose the State represents its people, and that such ownership is that of the people in their united sovereignty and in fact is a property right and not a mere privilege or immunity of citizenship.

What a far cry is that decree of the highest Court of our land of the free, from that of the highest Court of the same land of regimented nationalization, which now solemnly holds that where that sovereign right of ownership in the people of a State, which it now refers to as the "bare legal title" to the lands under the marginal sea is questioned by this Federal Government, the right of power and dominion of the United States transcends those of a mere property owner.

Thus for the first time the United States Supreme Court has adopted and put into effect the totalitarian doctrine of the supremacy of the state over the people, or that the people have no property or right whenever the Federal Government wishes to appropriate, because of its power and dominion.

The Supreme Court ignored all its prior jurisprudence on the subject of tidal ownership by the individual State for its sovereign people, and its repeated decisions since 1842 that the Original Thirteen States absolutely owned all their navigable waters and the soils under them for the common use of the sovereign people of each State, subject only to the rights surrendered by the Constitution to the Federal Government—navigation, interstate and foreign commerce, and national defense—and that all States since admitted into the Union succeeded to the same ownership and rights of sovereignty.

However, the Supreme Court did, with seeming compunction, admit the right and power of Congress to legislate on the matter of recognizing the century-old fact of tidal ownership in the States for their sovereign people, or ratify and confirm their totalitarian decree, either by positive action or inaction.

Further, to cap the climax, Mr. Ickes, former Secretary of the Interior, who agitated this Federal land grab, declared officially that he recognized the settled law that title to the soil within the 3-mile limit is in the State and cannot be appropriated except by the authority of the State. In his letter dated December 22, 1933, to Mr. Proctor, of Long Beach, Calif., rejecting his application for a lease under the Federal Leasing Act of 1920, Mr. Ickes stated:

> It has been distinctly settled that * * * the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated. * * * Such title to the shore and lands under water is regarded as incident to the sovereignty of the State * * *.

The foregoing is a statement of the settled law, and therefore no right can be granted to you either under the Leasing Act of February 25, 1920 (41 Stat. 437), or under any other public-land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California and the land may not be appropriated except by authority of the State.

The record shows that on Wednesday, October 5, 1949, the Solicitor General appeared and testified for and on behalf of the Department of Justice and the Secretary of the Interior appeared and testified in person on this subject.

Whereas the Secretary of the Interior based his entire testimony and claim for Government control of the tidelands and resources of all the coastal States of the Union on the ground that it was necessary for national defense, he did not elaborate to show in what manner Federal control could produce the petroleum necessary for national defense in times of emergency any better than has been done in the past under State ownership and development through private enterprise.

On the other hand, the same Secretary of the Interior, Mr. Krug, testified on the same subject on March 3, 1948, at the joint hearings before the Committees on the Judiciary—see page 741 of the report—that the States and the oil industries "had done a miraculous job" and he thought "they would continue to do a miraculous job." Therefore, the Secretary of the Interior has no substance to his claim for national control of the oil resources in the submerged coastal lands adjoining the coastal States of the Union.

The Solicitor General testified on Wednesday, October 5, 1949, that the claim of the United States was based on the premise that the United States had title to the submerged coastal lands, that the United States Supreme Court had so held in the California case, and that "if the United States did not have title, they were not entitled to it."

The treaty of 1783 relinquished tidelands to the Original States.

Evidence has been submitted to this committee by District Attorney L. H. Perez for the State of Louisiana, that not only by virtue of the Declaration of Independence and the Revolution, but by the treaty made with Great Britain after the successful Revolution of the Original States, the British Crown specifically "relinquished" all claims to "proprietary and territorial rights" of the several Thirteen Original States and "every part thereof."

The same treaty fixed the boundaries of the Original States extending into the Atlantic Ocean, and conprehending all islands within 20 leagues of any part of the shores of the United States.

This treaty is a most important instrument which apparently has slept in the archives of the Department of State these many years without reference, especially in the issue raised by the Department of the Interior for national control of the States' submerged coastal lands and their resources.

It further appears from the record of the Constitutional Convention of 1787, which wrote the United States Constitution, that the founding fathers were very, very careful in having it provide in article 6, that all treaties made under the authority of the United States shall be the supreme law of the land.

The record of the convention published by authority of the Sixty-ninth Congress, first session, House Document 398, page 618, bears out the fact that when that provision was adopted in the Constitution, James Madison made certain that the provision "all treaties made" was intended to obviate all doubt concerning the force of treaties pre-existing.

Naturally, the one treaty which was foremost in importance to the Original States was the treaty of independence with the British Crown in 1783, after their successful Revolution.

Therefore, we find that the provision in the treaty of 1783 by which the British Crown relinquished to each of the Original States all the proprietary and territorial rights of the Crown, and fixed the boundaries of the States in the Atlantic Ocean extending 20 leagues of any part of the shores of the United States was made the supreme law of the land.

We are all sworn by our oaths of office to support the Constitution of the United States and all treaties made, as well.

Our obligation, therefore, in the oaths of office compels us to respect and support that provision of the treaty of 1783 by which the British Crown relinquished to the Original States all proprietary and territorial rights formerly held by the Crown.

ORIGINAL STATES' TITLE TO TIDELANDS UPHELD BY SUPREME COURT

While I am not a lawyer, I know from decisions of the United States Supreme Court that since 1842 in the case of *Martin* v. *Waddell* (reported in 16 Peters (41 U. S.) 367), the United States Supreme Court held that when the Revolution took place each State became themselves sovereign and in that connection hold the absolute right to all their navigable waters and the soils under them for their own use, subject only to the rights since surrendered by the Constitution to the General Government.

Further, that the United States Supreme Court held in 1867 in *Memford* v. *Wardwell* (6 Wall. 423, 436), that it is a settled rule of law in this country that the shores of navigable waters and the soils under the same in the Original States were not granted by the Constitution to the United States but were reserved to the several States, and that any States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the Original States possessed within their respective borders.

STATES LATER ADMITTED HAVE SAME TITLE

We know, too, that the Court held to the same effect in the case of Alabama in 1845 in the case of *Pollard* v. *Hagan* (44 U. S. 3 How. 212), that a patent issued by the United States, under an act of Congress, to submerged lands in the State of Alabama was invalid because to Alabama belonged the navigable waters and soils under them, subject only to the rights surrendered by the Constitution to the United States.

These include, of course, such as the right to control over commerce, interstate and foreign, navigation, which are regulatory powers, and other specially delegated powers as provided in the United States Constitution in the sphere of which delegated powers the United States has paramount domination and control.

UNITED STATES HAS NO TITLE TO TIDELANDS

Because of all the controversy over the California case, and the claims made for the United States as a result of the decision in that case, it is necessary to point out that when the Court handed down its opinion in that case, it directed the parties to submit a form of decree for consideration by the Court.

The Attorney General and Solicitor General for the United States submitted a form of decree to be handed down by the Court, which read in part as follows:

"That the United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights of proprietorship in, and full dominion and power over, the land, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, etc."

Now proprietorship, or proprietary, means "One who has the exclusive title to a thing; one who possesses or holds the title to a thing in his own right."

But the Supreme Court definitely rejected the suggestion of title being in the United States by striking out from the decree the words "of proprietorship," and the Court definitely ruled against the claim of the United States to fee simple title in the submerged coastal lands of California.

The Court held that the United States had paramount rights and full dominion and power over the lands, minerals, and other things seaward of California's coast and outside its inland waters.

But permanent power, full dominion and control of the Federal Government in its delegated powers under the Constitution is too well recognized to question or to make so much over at this time. It simply means "regulatory" powers of navigation, interstate and foreign commerce, over the waters, the same as over the land area of the United States, and in that sphere the United States is supreme and has "paramount power." However, this does not include or imply that the United States has a right to confiscate property. It only means that the United States had governmental regulatory power.

Certainly, the title of the States to their submerged coastal lands dated back to the Declaration of Independence, the treaty of 1783 with the British Crown, and the provision in the United States Constitution which makes that treaty the supreme law of the land, and thereby recognizes the right to the title of the Original States to all their submerged lands, waters, and resources within their boundaries as provided for in that treaty. Just as certain it has been consistently held, time and time again, over a hundred years by the United States Supreme Court, that all States since admitted are

on an equal footing with the Original States and have the same property and rights in all their submerged coastal lands and waters and resources.

Therefore, it is plain that the United States has no title to the submerged lands and resources of the coastal States, that all States have title to these submerged coastal lands as well as their inland waters and resources. There is no justification for further pressing Senate bills S. 923 and S. 2153, as stated by the Solicitor General "if the United States doesn't have title, they are not entitled to it."

On the other hand, Senate bill 1545 confirms the property rights of the States to their submerged lands and resources.

I submit that Congress for the United States should relinquish all claims to proprietary and territorial rights which belong to the States, including all their submerged coastal lands and inland waters and the resources thereof, just as the British Crown relinquished them to the Original States by the treaty of 1783, which we are all sworn to uphold by provision of the Constitution.

Mr. Chairman, I would like to read in the record a statement made before the Senate Interior and Insular Affairs Committee at a recent hearing on the tidelands question by a learned and distinguished jurist from Louisiana, the Honorable Frank Looney, of Shreveport, La., who said:

The Congress is the department to which has been given the power to make rules and regulations concerning the disposal of the territory of the United States.

It follows that the marginal belt is subject only to Congress if it be part of the territory of the United States.

The territory of the United States may consist in fast land and in submerged land.

The ultimate purpose of territory is to be incorporated in a State. Otherwise each maritime State would not be in effect a riparian State but beyond low water would be hedged in by a belt. Any invasion from the sea beyond would necessarily be an invasion of United States territory and the provision of the Constitution as to repelling invasion would be uncalled for.

To dispose of property it must be exclusively vested in the disposal, hence its limits should be clearly defined.

There is no power given to the United States to assume control of any State property, not even to protect the State itself, unless the Government is invited by State authority.

To define the limit of State and United States territory if contiguous requires a boundary suit.

The mere declaratory statement that 3 miles of open sea is within the control of the United States does not establish the location of this belt.

The Government strenuously denied that the suits against Louisiana and Texas were or could be considered boundary suits.

The mere claim to property, which in fact may not be subject to ownership by the United States, does not give the right to go upon it. The United States itself brought suit against Texas to establish the boundary of the Indian Territory. The Constitution itself proves that no claim of State or United States should be prejudiced by this Constitution, and Story in his work on the Constitution says that was suggested by the sentence in Articles of Confederation, article 9, that "no State should be deprived of property for the benefit of the United States."

To pass this act before State external boundaries on the sea were lawfully fixed would produce endless confusion that could only be ended by local proceedings formerly eschewed, namely, boundary units.

The Government of the United States has today the authority to enact legislation which would end this confusion without interfering with any State's rights.

In *Skiriotes* v. *Florida* (313 U. S., p. 79) the court recognized the dual authority of the State and United States over their respective citizens, saying "the sovereign authority of the State over the conduct of its own citizens upon the high seas is analogous to the sovereign authority of the United States over its citizens in like circumstances. Since there can be no dispute that the United States may prohibit as a matter of defense, any marine exploration, for a reasonable distance from its shore, by foreign governments, their citizens or subjects; it has the right to regulate such operations on the high seas by its own citizens and can, through imposing licenses or royalties on citizen exploration, exercise that paramount authority which it has.

The State of Texas was admitted to the Union on an equal footing with other States. The territorial limits of the Original States have been conceded to be those fixed by the charters of those States and their claims of boundary at the date of the Declaration of Independence.

Texas had defined her limits of 3 leagues in the Gulf of Mexico—at that time the doctrine of the cases of *Harcourt* v. *Galliard* and *R. I.* v. *Massachusetts*, that the external boundaries of the United States is the external boundaries of the States was not disputed.

At that date, even in the eyes of the United States Supreme Court, as expressed in the California case, the claim of an independent State to a marginal belt was admitted, as it had been the law since 1794, when England entered into the treaty with the United States.

It follows that Texas as an independent republic possessed that right. This is confirmed by the Treaty of Guadalupe Hidalgo after Texas was admitted. Louisiana admitted in 1803, in full sovereignty, was equally secure in that right.

Supreme Court decisions in the early years of the nineteenth century clearly establish this. *Rose* v. *Himely* and *Hudson* v. *Gustier*, held a municipal law made by France governing San Domingo, then its colony, claiming 2 leagues was valid.

In *The Ann* (3 Wh. 435)—that a similar Spanish regulation was within the law.

And Justice Story in the leading case of *The Ann* (F. C. 397) cited publicists who had been dead long before 1776 and used the language "all the writers on public law agree that every nation has exclusive jurisdiction to the distance of a cannon shot or marine league over the waters adjacent to its shores. He cited Bynkershock, who was dead a generation before 1776, and Azuni, a contemporary.

And though the Supreme Court in the California case cites Azuni in note 10 as sustaining its decision that no 3-mile limit exhausted when the Constitution was written, the text of Azuni proves that while he too cited Bynkershock, he raises the marginal belt to 2 leagues.

Justice Story cited *Church* v. *Hubbart* in *The Ann*, and in the Church case C. J. Marshall wrote "The authority of a nation in its own territory is absolute and exclusive. The seizure of a vessel within the range of its cannon shot by a foreign force is an invasion of that territory and is a hostile act which is its duty to repel."

Unfortunately these decisions were not considered in the California, Texas, and Louisiana cases.

Mr. Chairman, the National Association of Attorneys General submerged lands committee has issued a statement giving the true reasons why congressional action confirming State ownership of submerged lands is favored, which I read as follows:

STATEMENT OF THE REASONS FOR SUPPORT OF H. R. 4484 BY WALTER

1. Each of the 48 States owns and possesses valuable submerged lands within its boundaries, the revenues from which are devoted to education and other important functions of State government.

2. The title of each of the 48 States to its submerged lands, whether inland or coastal, has been held under a century-old rule of law that this property is owned by the individual States rather than by the Federal Government.

3. This long-recognized rule of law, applicable to the waters and submerged lands of every State, has been destroyed and State titles clouded by the Supreme Court's tidelands decisions. The way has been opened for foreign nations to claim resources within our territorial waters.

4. Legislation is necessary for each of the 48 States in order to restore and confirm their ownership of navigable waters and submerged lands within their respective boundaries.

5. H. R. 4484, by WALTER, of Pennsylvania, restoring the law of State ownership of this property, applies not only to the 28 coastal and Great Lakes States but to each of the 48 States.

6. A quitclaim to the States is no gift. Equity and justice demand restoration of the property which the States have held and developed in good faith, reliance upon 53 previous decisions of the Supreme Court of the United States.

7. Nationalization of this property would result in less development of resources. The States and their local units of government are more closely concerned and better equipped to manage and develop the property, and State ownership has not interfered and would not interfere with the Federal powers of national defense, navigation, etc.

8. H. R. 4484, by WALTER, confirms State ownership of only those lands lying within original State boundaries. Nine-tenths of the Continental Shelf lies outside of original State boundaries and is vested by this bill in the Federal Government.

9. Congress, which has final power to act in this controversy, has been ignored and circumvented by executive officials in the attempted seizure of this property from the States.

10. The principles of the tidelands decisions, if not erased from the law of the land by act of Congress, could lead to nationalization of private lands as well as State lands without compensation.

11. The only oil lobby involved in this legislation is opposing State ownership in order to obtain cheap Federal leases. The idea of devoting revenues from these lands to Federal aid to education was originated by this lobby for use against State ownership legislation.

12. Each of the 48 States owns and possesses valuable submerged lands within its boundaries, the revenues from which are devoted to education and other important functions of State government.

Every State in our Nation has lands beneath navigable waters which produce valuable resources and revenues. A list of the States, showing the amount of acreage claimed by each, is printed on the opposite page. A map showing the relative areas is appended as the last page in this brief.

As shown in House and Senate committee hearings during the past 3 years, every State receives valuable revenues from these lands.

Oil or oil lease revenues are now being received from submerged lands not only by Texas, Louisiana, and California, but also by Florida, Mississippi, Alabama, South Carolina, Maryland, Washington, Oregon, and the inland States of Oklahoma, Arkansas, Kansas, Kentucky, Pennsylvania, Utah, West Virginia, and the Great Lakes States of Indiana and Michigan.

Oil is not the only resource being produced by the States from their submerged lands. Nature's law of compensation has cared equally well for those States whose rivers, lakes, and marginal seas have not yet been tapped for petroleum. Maine has its rich kelp beds on which leases have been made within its 3-mile marginal belt for production of iodine. Arizona, Kentucky, and Missouri sell sand and gravel from their river and lake beds; Colorado and Idaho lease their lands for gold production; Connecticut, Delaware, Maryland, and Rhode Island sell leases and permits for oyster, clam, and shell fish cultivation. Iowa, Pennsylvania, and West Virginia produce coal from their river beds, and Minnesota and Wisconsin have rich deposits of iron ore under the Great Lakes which lie partially within their boundaries. New York has millions invested on filled lands and within the marginal sea at Coney Island and on Long Island, and the same is true at Atlantic City in New Jersey and at Miami and other Florida resorts.

All of the States have one or more valuable resources within or beneath their submerged lands from which they are now receiving revenues for their schools or other public funds. All States are also jealous of their water and water rights in navigable streams, this being perhaps the most valuable resource of all, and it is one that the Department of Interior longs to control.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ENGLE].

Mr. ENGLE. Mr. Chairman, the world oil crisis supplies a compelling reason for the passage of the pending measure by pointing up the necessity for going forward with increased petroleum exploration and production. If we lag in our petroleum production and development, we may some day be subjected to severe gasoline and oil rationing with all the attendant impediments to our military operations and civilian economy. It is, therefore, obvious that the present uncertain situation, arising from the so-called tidelands decisions of the Supreme Court, must now be corrected. The confusion that presently exists among the States and their oil lessees is a direct result of the holding in the tidelands cases that the States do not own the marginal seas within their boundaries. Quite naturally oil operators are afraid to enter into negotiations for new oil leases or continue operations under existing ones since they have no assurance that their leases would not later be held invalid. By speedily conveying to the States their coastal waters, new exploration and drilling operations can move ahead and thus contribute to vitally needed oil reserves.

Leaving aside the question of our economy's petroleum requirements, there are cogent legal and moral reasons why this bill should be passed. In effect the Supreme Court decisions overruled more than 100 years of previous legal authority, which had uniformly held that the States owned the submerged lands lying beneath the navigable waters within their boundaries, as defined by the States' various constitutions at the time of their admissions into the Union. On the strength of this unanimous authority the littoral States went ahead in good faith and encouraged and regulated the development of the natural resources found in and under the seas within their boundaries. During all these decades no doubt was ever expressed as to the fact that the States owned these areas just as completely and just as surely as they did inland State properties. Thus the Supreme Court, in denying State ownership, was taking property without compensation in violation of all established principles of law. The Court finds justification for this taking on the theory that the petroleum deposits involved may be of importance to our national defense or may become the subject of international dispute. Does this mean iron ore deposits in Minnesota or oil shale in Wyoming may properly be appropriated without compensation by the Federal Government simply because they may at some time affect Federal requirements, or the family of nations may lay claim to them? The principle is implicit in the Supreme Court decisions, and so long as it remains alive it hangs as a dark shadow over all property, public or private, whether territorial waters or the plains of the Middle West.

Perhaps the most sinister aspect of the Court decisions arises from the fact that while the Court held that the States did not own the marginal seas, it was not conversely held that the Federal Government did. In other words, if ownership is in neither the States nor the United States, the 3-mile belt is a part of the high seas, and foreign nations may have just as much right to its use for purposes of navigation, military operations, and exploitation of natural resources as has the United States. The Court emphasizes the possibility of this result by stating that—

> The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

The Court further suggests this result when it says:

> Our question is whether the State or the Federal Government has the * * * right and power to determine * * * when, how, and by what agencies, foreign or domestic (and I emphasize "foreign"), the oil and other resources of the soil of the marginal sea * * * may be exploited.

This alien and dangerous doctrine must be repudiated completely. If it is not, who knows when some foreign power may be carrying on naval maneuvers within the shadow of the Golden Gate or the Statue of Liberty, or asserting claim to oil beneath waters a mile off the coast of Texas, historically and legally a part of the State of Texas, but by the Supreme Court decision a part of the open sea, subject to international law and the family of nations?

Though I represent an entirely inland congressional district, I feel compelled to speak out in strong protest against the perpetuation of these novel legal principles which sanction the taking of property without compensation and, in effect, make the 3-mile belt a part of the open sea.

The States in the past have demonstrated their ability to regulate the development of oil reserves underlying the marginal sea. Their leases have been made on extremely favorable terms, and have returned a much larger royalty than would leases made under the Federal Mineral Leasing Act. The royalties so derived have aided greatly the educational, road-building, park, beach, and other public purposes to which they have been put, and have served, at least indirectly, to relieve the Federal Government from financial burdens it might otherwise have assumed.

The pending measure further augments our petroleum potential by providing that the Federal Government may lease areas on the Continental Shelf outside of State boundaries for exploration and development. Petroleum geologists have discovered oil structures of vast proportions, exceeding greatly those within State boundaries, in the Continental Shelf, indicating the importance of going ahead with operations in that area, as this bill permits.

An overwhelming vote in support of this measure will accomplish the following:

First. Repudiate the dangerous doctrine announced by the Supreme Court in allowing the taking of property without compensation on the sole basis of Federal needs. So long as this principle is allowed to stand unchallenged by the Congress, it will leave the door ajar to a constantly expanding encroachment by the Federal Government on the rights of our citizens.

Second. Pave the way for new exploration and development of petroleum reserves vitally needed by our economy and for military operations.

Third. Restore to the States their ownership of territorial waters within their boundaries, thus affirming more than 100 years of previous Supreme Court authority, dating almost from the time of the birth of this Nation.

Fourth. Repudiate forever the novel Supreme Court doctrine which holds in effect that the 3-mile belt belongs to the family of nations and give notice to the world that we will not tolerate interference from foreign nations in the development of our natural resources found above and beneath the surface of the Continental Shelf.

Mr. GRAHAM. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Chairman, I wish the Members of the House would take a good look at this map which I am showing on the easel before you. It is a map of the southern half of the State of California. The remarks which I make are as equally applicable to the northern half of the State as they are to the southern except for the fact that the present controversy centers in the southern part of the State. You will note that this is a United States Government map made by the Department of the Interior. You will note that this is the portion of California from Point Concepcion to San Diego. You will note that there are certain islands that lie offshore, some of them 40 miles off-

shore. You will note that there is marked on this map the Santa Barbara Channel, the San Pedro Channel, the Gulf of Catalina, and other designations of channels and gulfs.

The rights in controversy which the Supreme Court is now trying to turn over to the Federal Government do not lie in these islands; it lies in a belt that extends 3 miles offshore around the immediate shore line, the perimeter of the main land mass.

Mr. Chairman, I ask you if the jurisdiction of the United States and of the State of California, if you please, extends only 3 miles off the perimeter of the mainland mass? To whom belong these islands out here? I ask you that in all sincerity. To whom belong those islands? This map prepared by the Department of the Interior indicates that these islands, in this location to which I am pointing, are a part of Santa Barbara County, Calif. It indicates that Catalina Island, which many of you no doubt have visited, is a part of Los Angeles County as is San Clemente Island; and here another island or two are indicated on this map as parts of Ventura County, Calif., and all are part, therefore, of the State of California. We have judicial districts and school districts that extend to those islands as well as election districts of Members of Congress, including the distinguished gentleman from California [Mr. KING] and the distinguished gentleman from California [Mr. BRAMBLETT].

Mr. HOLIFIELD. And the gentleman from California [Mr. HAVENNER] has an island in his district.

Mr. HINSHAW. The gentleman from California [Mr. HAVENNER], in the San Francisco area, has one precinct in the Farallon Islands, which lie many miles off the coast from San Francisco and the Golden Gate.

I now show you a photostatic reproduction of a map filed in the General Land Office in the Department of the Interior. That map was prepared by the United States Surveyor General in 1866. It is a survey of the island of Catalina which is the island I was showing you here, lying offshore some 15 or 20 miles. The survey extended the meridians and the base lines that extend from the shore line of the main perimeter to cover Catalina Island and then subdivided that island into sections.

Following that many a grant of land which had been in possession of Mexican citizens before the Mexican War, was pursuant to the terms of the Treaty of Guadalupe Hidalgo confirmed by the Congress to the gentlemen who had held it before that war.

Do you see what the dilemma is so far as our State is concerned? Where ends the jurisdiction, the sovereignty and dominion, of the State of California, then where comes the dominion of the United States, if there be any in addition to or overriding the dominion of our State? If the jurisdiction of the United States does, as the Supreme Court says, extend through a 3-mile belt along the main shore of the mainland of California, then to whom belong these islands? Are they a part of the United States? Are they a part of the State of California? Are they a part of the counties in which, if you please, these section lines extend? That subject has been submitted to a special master appointed by the Supreme Court of the United States, a master who must decide what that queer decision of the Supreme Court of the United States really means.

Let me read to you the decree, and you can then see the dilemma it has created. It reads:

> The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward 3 nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

That is the decree of the Supreme Court.

I ask you, Where is the coast of California? Where is the low-water mark that they are talking about? Does that lie offshore of these respective islands that are a part of the State of California or is the coast line inshore, as some people would claim? If it lies inshore then to whom belong the islands? Do they still belong to Mexico? We do not believe so, and Mexico has never laid claim to those islands.

Mr. Chairman, I hope you understand that this decree of the Supreme Court has thrown every constitutional right that we have in our State into a cocked hat. What would the Court do in the State of Massachusetts, for instance, about Nantucket Island, which lies some 25 miles offshore? Is Nantucket Island a part of the State of Massachusetts? If so, then is it discontinuous with the State of Massachusetts? Where is the coast line of Massachusetts? Is it inside Nantucket Island or is it outside Nantucket Island? Those are some of the questions that have been raised by this decision and decree of the Supreme Court of the United States.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Does this bill in any manner answer the problem that the gentleman has just been presenting?

Mr. HINSHAW. Oh, indeed it does.

Mr. ROGERS of Colorado. Let me refer to section 2 (a) on page 2 where it says:

> All lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States at the time such State became a member of the Union, and all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State.

Mr. HINSHAW. Yes.

Mr. ROGERS of Colorado. Explain that.

Mr. HINSHAW. Yes. By enactment of the State Legislature of California clarifying our boundaries, by the Treaty of Guadalupe Hidalgo, by the constitution of the State of California, by the Act of Admission of the State of California into the Union, and by the definitions in this bill. All of this part of California, including these islands, has been considered California for the almost 100 years that our State has been a member of the United States of America and this bill preserves that precedent condition. We do not understand that the United States Government has the constitutional right to take property from our State without due process. In fact, quite to the contrary. We understand quite certainly that no State may be deprived of territory for the benefit of the United States without the State's consent. In fact we are shocked at the many violations of the rights of our State which this Supreme Court decree and opinion subject us to.

There is no question in my mind that if this bill is passed it will clear up the question of jurisdiction and dominion of my State over not only the so-called 3-mile belt of submerged lands, but the ownership to these islands which lie offshore, and many other things now under a cloud by virtue of that decision.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, the phrase "original boundaries" is the phrase that takes care of that.

Mr. HINSHAW. Yes; in part.

Mr. HAND. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New Jersey.

Mr. HAND. An interesting situation, not as important perhaps, arises in my State quite along the line that the gentleman is now suggesting. Disregarding for a moment other very important interests of the State of New Jersey, this unique problem arises. In Atlantic City there are structures extending into the ocean, but there is one structure known as the Steel Pier, well known to many, at the end of which there is a private residence. That structure extends well beyond the low-water mark. Does the gentleman consider that the United States has paramount dominion and control over that structure?

Mr. HINSHAW. Indeed it may so claim under this decision, and that is true not only in your State, but it is true of a great many more States of this Union that have islands lying offshore beyond 3 miles, off the main shore or the main perimeter of their States, and let no one be fooled by any other consideration.

Mr. Chairman, I have much more to say, and I shall be happy to answer and challenge some of these questions proposed by opponents of this legislation, with some of their own allegations, if you please, when we come to reading the bill for amendment. There are more sides than two; there at at least a dozen to be considered.

Mr. Chairman, I include herewith communications from the Governor of California, Hon. Earl Warren; from the attorney general of California, Hon. Edmund G. Brown; and from the California

State Lands Commission by its executive officer, Col. Rufus W. Putnam, in support of the pending measure, as follows:

SACRAMENTO, CALIF., *July 26, 1951.*

Hon. CARL HINSHAW,
House of Representatives,
Washington, D. C.:

In accordance with our telephone conversation, this is to reaffirm my personal opinion and the official position of California State government in favor of the principle of the Walter bill confirming the title of the States to their tidelands as recognized by the Supreme Court and administrative agencies of the Government for almost a century and a half.

Sincerely,

EARL WARREN, *Governor.*

STATE LANDS COMMISSION,
July 2, 1951.

Hon. CARL HINSHAW,
Congressman for Twentieth District,
House of Representatives,
Washington, D. C.

DEAR MR. HINSHAW: I am sure as a result of our several conferences that you are aware of the close cooperation between the office of the attorney general of the State of California and the State lands commission and its staff in all matters pertaining to the tide and submerged land legislation and litigation. However, I thought it might strengthen this understanding if I were to advise you officially in this manner of action taken by the State lands commission at its meeting of January 18, 1951. On that date the following resolution was passed:

"Upon motion duly made and unanimously carried, a resolution was adopted in which the commission approved the recommendation of the assistant attorney general and directed the staff of the commission to aid and support the attorney general of the State to the end that acceptable quitclaim legislation be enacted by the Eighty-second Congress."

Since that time there have been several other similar official actions by the commission in support of the attorney general's activities in this matter.

I am personally advised by Mr. Everett W. Mattoon that H. R. 4484 has been favorably acted upon by the House Judiciary Committee, and is now awaiting action by the entire House of Representatives.

I trust that the efforts of all of us from California and from our friendly States throughout the country will result in some legislation which will at least be a step in the right direction.

Sincerely yours,

RUFUS W. PUTNAM,
Executive Officer.

STATE OF CALIFORNIA,
DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
San Francisco, July 6, 1951.

Hon. CARL HINSHAW,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: It is my understanding that H. R. 4484, known as the Walter bill, will soon come up for a vote before the House. It was voted out favorably by the House Judiciary Committee last week.

This bill meets with my complete approval and I earnestly urge that you not only vote for it but support it in every way that you can, also. As Californians and as men who have worked on this problem longer than I, you need no further word from me on this subject.

Sincerely,

EDMUND G. BROWN,
Attorney General.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Chairman, as a member of the Committee on the Judiciary of the House I participated on three occasions in hearings on the so-called tidelands bill. H. R. 4484 is the result of a number of years of study and research by the distinguished committee of which I am a member. Everyone, I believe, concedes that Congress must legislate upon this matter and that in the absence of congressional action on this subject interminable litigation will be carried on in State and Federal courts.

In that connection I want to call your attention to a part of the decision of Mr. Justice Frankfurter, and this is extremely important, in which he states:

It is relevant to know that in rejecting California's claim of ownership in the offshore oil, the Court carefully abstained from recognizing such claim of ownership by the United States.

So, that question was not decided by the decision of the Supreme Court, leaving the entire matter up in the air, with the result that ultimately we are going to be compelled to legislate in this field. As a matter of fact, during the course of the hearings the Attorney General of the United States and the Secretary of the Interior, for whatever his word is worth, and it is worth nothing to me, both stated that while they preferred interim legislation, ultimately the Congress was going to be called upon to act. Aside from the fundamental principles of Anglo-Saxon jurisprudence involved in this controversy, I have a selfish interest on behalf of the rights of my great State of Pennsylvania.

Mr. Justice Reed, in his dissent in the California case, stated:

The power of the United States is plenary over these undersea lands precisely the same as it is over every river, farm, mine, and factory in the Nation.

Mr. Justice Frankfurter, in his dissent in the same case, stated:

The needs of defense and foreign affairs alone cannot transfer ownership of an ocean bed from a State to the Federal Government any more than they could transfer iron ore under uplands from State to Federal ownership. National responsibility is no greater in respect to the marginal sea than it is toward every other particle of American territory.

In other words, these two great Justices have said that if the Federal Government in its claim of paramount power and dominion can deprive the coastal States of the marginal belt within their described boundaries, then under the same authority and by the same right the Federal Government has claim to the submerged lands within all the States of the Union.

We have heard protestations today that the Federal Government will never claim any rights such as these justices have said it could claim, but I respectfully call your attention to an article I just clipped from the New York Times under date of July 24, 1951, in which it is stated:

Some of the so-called tidelands have been leased, but Mr. Chapman—

Secretary of the Interior, if you do not know—

said Louisiana had no authority to do this because some of the lands in the Breton Sound and South Timbalier areas actually belonged to the United States rather than to Louisiana.

I submit that the Supreme Court never said that the United States owned the lands that Mr. Chapman says in this statement they do own.

I must apologize for this map, because it is a very poor one, but let me call your attention to this area the Secretary of the Interior says the United States owns. It is almost entirely bounded by land. It is a large bay extending into the State, the outer edge of which is adjacent to the ocean. If that is not conclusive proof of what some bureaucrat feels the power of the United States is, then we just do not know what it is all about.

While the Supreme Court decisions in the so-called tidelands cases have been variously interpreted, a vast majority of the good lawyers of this land agree that these decisions cast a definite cloud, and to my mind a dark cloud, upon title to vast areas of inland waters within the boundaries of the States.

In that connection, I call your attention to the bill which the chairman of the Committee on the Judiciary introduced at the request of the Attorney General and the Secretary of the Interior. In that bill is spelled out a quitclaim by the United States if the United States sees fit to quitclaim any title it might have. Let me read this language to you:

In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized, notwithstanding the provisions of subsections (a) and (c) of section 1 of this joint resolution, and with the concurrence of the Attorney General of the United States, to negotiate and enter into agreements with the State, its political subdivision or grantee or a lessee thereof, respecting operations under existing mineral leases and payment and impounding of rents, royalties, and other sums payable thereunder, or with the State, its political subdivision or grantee, respecting the issuance or nonissuance of new mineral leases pending the settlement or adjudication of the controversy.

In Pennsylvania, this means a cloud upon our title to 12,947 acres in the Tidal Basin in Philadelphia. It means a cloud upon our title to 470,400 acres beneath Lake Erie. It means a cloud upon our title to 184,320 acres of inland waters, rivers, and lakes. The rivers draining from the anthracite coal region of my State annually yield from 500,000 to 1,500,000 tons of coal.

Mrs. Vashti Burr, deputy attorney general for Pennsylvania, speaking as the representative of Gov. James H. Duff and former Attorney General T. McKenn Chidsey, testifying for a State-ownership bill before the Senate and House Committees on the Judiciary, said:

Carried to its logical conclusion, in accordance with the doctrine in *United States* v. *California*, the exercise of the power of national defense can be extended to the appropriation or control not only of the gas, oil, and coal in Pennsylvania's more than

758,000 acres of submerged lands, but also of all or any part of the vast coal reserve, estimated in 1947 to be nearly 69,000,000,000 tons. For example, the Federal authorities might consider it essential, for the national defense, to order the conservation or taking of the 15,782,000,000 tons of anthracite coal, almost exclusively found in Pennsylvania, without compensation therefor.

Pennsylvania, its political subdivisions, and persons who have expended enormous sums of money in full reliance upon the recognized rule of State ownership of its submerged lands are threatened with a grave injustice by a decision from which it may be inferred that Pennsylvania does not own its submerged lands and the resources therein.

The Government in its external relations is vitally concerned with the Great Lakes, harbors, and other enclosed waters, navigable waters, especially those which are part of international boundaries. It can be forcefully argued that as to some of those the Government's interests are greater than in the marginal coastal lands, particularly those in the Gulf of Mexico. The logic of the tidelands cases would enable the Government to take without compensation sand under the Great Lakes, or revenue-producing State properties in bays and harbors.

Listen to what the Marquette Law Review says:

The effect of the (California) decision is to cloud the title to lands within the 3-mile belt all along the United States coast lines, and that titles to docks, piers, wharves, warehouses and the like that have been built on property purchased or leased from the States located on tidelands within the 3-mile belt might be confiscated. This California decision, if applied generally, could also invalidate or cloud the titles to improvements located on navigable waters all along the Great Lakes area.

In the oral argument in the California case, Justice Black's questions indicated that the theory might be expanded to take inland property without compensation. Justice Black said:

Well, I don't know that it has been held that oil goes with the soil. Suppose they discovered something 4 miles under the surface of the earth. Do you mean that the old property concept would have to apply to that even though it was something the Government desperately needed?

Similar quotations to those just given could be here extended almost without limitation. Our fears as to the Federal Government's claims of paramount power and dominion over property heretofore thought to be owned by the States are further enhanced by a recent suit filed in the State of California, against users of water from the Santa Margarita Basin. The same Justice Department attorneys who handled the so-called tidelands cases now seek to assert paramount power and dominion over all the water in the Santa Margarita Basin and to deprive 10,000 small property owners upstream from Camp Pendleton of their vested rights and interests in this water. If the pleadings of the Department of Justice in the Santa Margarita case should be granted, then a small home owner above Camp Pendleton in the Santa Margarita Water Basin, under the theory of paramount power and dominion, could be prevented from drilling even a water well. It is high time that this Congress put to rest these claims and assertions of power, and that we reassure the citizens and the States of this Union in their long-established property rights.

Mr. Chairman, there is one other point to which I wish to address myself briefly. Certain irresponsible propagandists have sought to discredit this bill by saying the oil lobby had something to do with it. No oil man, or representative for oil men, has ever talked to me about this bill. The only lobbying by oil interests in this connection has been against this bill, not for it. Bona fide oil companies holding leases in the marginal sea and in the continental shelf, were long ago promised ratification of their leases by Federal officials if, as and when the Federal Government acquired possession of the property. These bona fide, legitimate lessees, have been interested in any legislation to settle this controversy. They have been lobbying, so I am told, for the so-called interim bill, a bill which settles their claims, but settles nothing else. Then, there is a second group of so-called oil lobbyists. These are the claims jumpers, the Federal lease applicants who hope to obtain valuable property for a song. Numerous fly-by-night oil associations have been organized, and have filed numerous applications with the Interior Department, under the Federal Minerals Leasing Act, hoping to get a windfall, and great riches, out of their applications in the event this Congress should deliver these areas to the Federal Government. These speculators have been the active lobbyists against this bill. These claims jumpers, so to speak, have used clever methods in an effort to influence the Congress in behalf of the claims of the Federal Government.

But, Mr. Chairman, in closing I would like to say that during the discussion of the rule a Member stated that it is significant that the same Member introduce this bill who introduced a bill which declared a moratorium from the decision of the Supreme Court in an insurance case. I make no apology because the great chairman of the Committee on the Judiciary, Hon. Hatton Sumners, asked me to introduce the bill on the insurance situation and I make no apology today because I introduced the bill now under consideration. That bill was introduced at the request of the attorneys general of the United States, 47 of whom are for this bill, as well as are the Governors of 40 States.

Mr. Chairman, this bill gives to the Federal Government far more than anyone ever thought the Federal Government had, or should have, prior to 1935. It gives to the States the areas within their described boundaries areas which they peacefully possessed until the recent Supreme Court decisions.

In that connection I would like to read to you part of a decision of the dissent in the Texas case in which Justice Frankfurter stated:

The Court now decides that when Texas entered the Union she lost what she had, and the United States acquired it.

How that shift came to pass remains for me a puzzle.

This bill settles, as fairly and equitably as possible, all of the controversial issues in the tidelands matter. This bill is sound in both law and equity, and I hope can be enacted into law before the adjournment of this Congress.

Mr. REED of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Maine [Mr. FELLOWS].

Mr. FELLOWS. Mr. Chairman, we have heard some fine speeches today. I think one of the finest I ever heard was the speech delivered by the gentleman from Texas [Mr. GOSSETT], who is retiring from Congress. So I know you will not mind if I speak of him for just a moment or two.

In this decision of ED GOSSETT's to leave Congress, my sense of loss to this country cannot be measured by any expression of my personal regret, keen though it be, because I value beyond words the privilege of his friendship.

ED GOSSETT is a "stout fellow"— a sturdy soul—and lovable, withal.

We would not attempt to analyze or explain the pyramids, but we may marvel at their steadfastness. So with ED GOSSETT. His habits of thought and action have formed a character self respecting and therefore respected, for he does and says only what his lively conscience approves. Fawning and flattery are foreign to his philosophy, and the temporary elevation which goes to worthless adventurers, shameless demagogues and sycophants greedy for gold or political preferment would never tempt ED GOSSETT. He meets responsibility fairly and unpleasant duties bravely. No one can fill the exact spot in our esteem and in our hearts held by this true gentleman from Texas, but the honesty, patriotism and statesmanship he represents would soon remedy the political degeneracy of these times and restore public confidence in the future of our Government.

May God bless and keep him.

With reference to this legislation, I find that the Government today owns 455,146,726 acres, between one-fourth and one-fifth of the country in which we live. Somebody has said that there is no disposition on the part of our Government to go any further.

I quote from the testimony of William H. Veeder, of the Department of Justice, before a subcommittee of the Senate Committee on the Judiciary recently:

No agency knows the maximum quantity of rights that it is going to have to claim at this time.

He had reference to a Federal suit now pending in California.

Maybe you have read the opinions to which reference has been made. I doubt if you have read very carefully the dissenting opinions, and I think perhaps a man can explain the majority better if he looks at the dissent, because we have some able men, Justice Frankfurter and Justice Reed. I turn to page 58 of the report, and I want to show you what Justice Reed said:

If the original States owned the bed of the sea, adjacent to their coasts, to the 3-mile limit, then I think California has the same title or ownership to the lands adjacent to her coast. The original States were sovereignties in their own right, possessed of

so much of the land underneath the adjacent seas as was generally recognized to be under their jurisdiction. The scope of their jurisdiction and the boundaries of their lands were coterminous. Any part of that territory which had not passed from their ownership by existing valid grants were and remained public lands of the respective States. California, as is customary, was admitted into the Union on an equal footing with the original States in all respects whatever (9 Stat. 452). By section 3 of the act of admission, the public lands within its borders were reserved for disposition by the United States.

The authorities cited in the Court's opinion lead me to the conclusion that the original States owned the lands under the seas to the 3-mile limit. There were, of course, as is shown by the citations, variations in the claims of sovereignty, jurisdiction, or ownership among the nations of the world. As early as 1793, Jefferson as Secretary of State in a communication to the British Minister said that the territorial protection of the United States would be extended three geographical miles and added:

"This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts."

If the original States did claim, as I think they did, sovereignty and ownership to the 3-mile limit, California has the same rights in the lands bordering its littoral.

Now let me read Justice Frankfurter, because much has been said about oil. It is said that oil has had something to do with it. Listen to what Justice Frankfurter said:

The fact that these oil deposits in the open sea may be vital to the national security, and important elements in the conduct of our foreign affairs, is no more relevant than is the existence of uranium deposits, wherever they may be in determining questions of trespass to the land of which they form a part. This is not a situation, where an exercise of national power is actively and presently interfered with. In such a case, the inherent power of a Federal court of equity may be invoked to prevent or remove the obstruction (*in re Debs* (158 U. S. 564); *Sanitary District* v. *United States* (266 U. S. 405)). Neither the bill, nor the opinion sustaining it, suggests that there is interference by California or the alleged trespassers with any authority which the Government presently seeks to exercise. It is beside the point to say that if wars come, they must be fought by the Nation. Nor is it relevant that the very oil about which the State and Nation here contend might well become the subject of international dispute and settlement. It is common knowledge that uranium has become the subject of international dispute with a view to settlement.

Then he goes on to say:

To declare that the Government has "national dominion" is merely a way of saying that vis-à-vis all other nations the Government is the sovereign. If that is what the Court's decree means, it needs no pronouncement by this Court to confer or declare such sovereignty. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established except by sliding from absence of ownership by California to ownership by the United States.

Does not that help explain the majority opinion?

I go now to page 62. Here is Mr. Justice Frankfurter in the Louisiana case. Interesting:

Time has not made the reasoning of *United States* v. *California* (332 U. S. 19) more persuasive, but the issue there decided is no longer open for me. It is relevant, however, to note that in rejecting California's claim of ownership in the offshore oil the Court carefully abstained from recognizing such claim of ownership by the United States. This was emphasized when the Court struck out the proprietary claim of the United States from the terms of the decree proposed by the United States in the California case.

I must leave it to those who deem the reasoning of that decision right to define its scope and apply it, particularly to the historically very different situation of Texas. As is made clear in the opinion of Mr. Justice Reed, the submerged lands now in controversy were part of the domain of Texas when she was on her own. The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains for me a puzzle.

And they ask me to read the majority opinion and tell you what it is.

I would just as soon own no house at all as to own one the title of which is in litigation all the time.

I favor H. R. 4484, not because of the oil but because there is an important principle involved—a principle that strikes deeper than any oil wells. It has to do with the future life of our dual system of government and the honor and integrity of our constitutional system.

Mr. CELLER. Mr. Chairman, I yield 18 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON of Texas. Mr. Chairman, the steady stream of propaganda which has in the last few years been going out to all parts of the country through newspapers, over the radio and by other means of communication, mainly originating here in Washington among some of the executive agencies of the Federal Government, has in many ways clouded the issues involved in this so-called tidelands controversy.

Since the inception of this democracy when by the inclusion of words "all powers not herein delegated to the Federal Government shall remain in the States," the various States of the Union have owned their inland and marginal sea belts.

Since the Pollard case decided in 1844, 52 other Supreme Court cases have reaffirmed the fact that the States not only owned tidelands and oil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. Aside from the 53 Supreme Court decisions, including the Pollard case, there have been 244 State and Federal court decisions during the past 100 years as shown by Shepard's United States Citations. Thus we see that for over 100 years it has been the settled law of this land that the several States own all the soil beneath their inland waters, as well as the marginal sea in their described boundaries.

Chief Justice Taney, Mr. Justice Field, Mr. Justice Holmes, Mr. Justice Brandeis, Chief Justice Taft, Chief Justice Hughes, and 46 of the 54 other Supreme Court Justices concurred in the various opinions of the Supreme Court between 1842 and 1947 in holding that the several States were the owners of their inland waters, as well as all marginal sea belts within their described boundaries.

Despite this long line of decisions, in the California case the Supreme Court sought to limit the long-recognized rule to a "qualified" ownership of land under inland waters and no ownership at all of land under coastal waters within State boundaries. This is an obvious error in the California decision. There is no English or American decision indicating that the sovereign right theory of ownership is only an inland water rule. On the contrary, all court decisions on the point indicate and say that the rule of State ownership applies to all lands which are, first, beneath navigable waters; and, second, within State boundaries. In fact, it is a navigable water rule which grew from the sovereign ownership of the adjoining navigable sea bed and was extended to inland navigable waters as "arms of the sea." This accounts for the fact that all previous members of the Supreme Court have written the rule broad enough to cover "all navigable waters whether inland or not." There is no dispute that the tidewater areas within the marginal sea are navigable both in law and in fact, and that all such areas covered by this legislation are within the lawful boundaries of the respective States.

In the above mentioned Pollard decision (*Pollard* v. *Hagan*, 3 How. 212, 229) Mr. Justice McKinley expressly said that "the territorial boundaries of Alabama have extended all her sovereign powers into the sea"—page 230—and stated the broad question of the case as being whether Alabama is entitled to the shores of the navigable waters, and the soil under them, within her limits"—page 225. Holding that Alabama's sovereign municipal power was the same on the sea as on the shore within her boundaries, the Court said:

First. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively. Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States (3 How. at 230).

Note the emphasis and the controlling points for State ownership of all lands beneath all navigable waters within State boundaries in the following excerpts from other learned justices:

Chief Justice Taney, in 1842, in the first case establishing the rule, said:

For when the Revolution took place the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Clifford in 1867 said:

Settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since

admitted have the same rights, sovereignty and jurisdiction in that behalf as the original States possess within their respective borders. When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

Mr. Justice Field in 1873, for a unanimous Court that included Chief Justice Chase, said that—

All soils under the tidewaters within her limits passed to the State.

Mr. Justice Bradley in 1876 said:

In our view of the subject the correct principles were laid down in *Martin* v. *Waddell* (16 Pet. 367), *Pollard's Lessee* v. *Hagan* (3 How. 312), and *Goodtitle* v. *Kibbe* (9 How. 471). These cases related to tidewaters, it is true; that they enunciated principles which are equally applicable to all navigable waters * * * it (the bed and shore of such waters) properly belongs to the State by their inherent sovereignty.

Chief Justice Waite in 1876 said that—

Each State owns the beds of all tidewaters within its jurisdiction.

Mr. Justice Gray in 1894 said:

The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdictions.

Chief Justice White said in 1912:

Each State owns the beds of all tidewaters within its jurisdiction.

Chief Justice Taft in 1926 said that—

All the proprietary rights of the Crown and Parliament in, and all their dominion over, lands under tidewater vested in the several States.

Chief Justice Hughes said in 1935:

The soils under tidewaters within the original States were reserved to them respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed.

Probably the strongest case directly on State ownership of land under the marginal sea is *Illinois Central R. R. Co.* v. *Illinois* (146 U. S. 387 (1892)), in which title to the bed of Lake Michigan was in issue. Holding that the Great Lakes are open seas and should be governed by the same property rule as applies to tidewaters on the coastal seas, the Supreme Court said:

It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters, within the limits of the several States, belong to the respective States within which they are found * * * subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. * * *

The same doctrine is in this country held to be applicable to lands covered by fresh water in the Great Lakes over which is conducted an extended commerce with different States and foreign nations. These Lakes possess all the general characteristics of open seas, except in the freshness of their waters, and in the absence of the ebb and flow of the tide. In other respects they are inland seas, and there is no reason or principle for the assertion of dominion and sovereignty over and ownership by the State of lands covered by tidewaters that is not equally applicable to its ownership of and dominion and sovereignty over lands covered by the fresh waters of these Lakes. * * *

We hold, therefore, that the same doctrine as to dominion and sovereignty over and ownership of lands under the navigable waters of the Great Lakes applies, which obtains at the common law as to the dominion and sovereignty over and ownership of lands under tidewaters on the borders of the sea (146 U. S. at 435–437).

In his book entitled "The Key to Peace," Clarence Manion, dean of the College of Law, Notre Dame University, had this to say about the centralization of power:

If big and all-powerful government was the secret of general popular welfare, Europe would have always been the land of milk and honey, while the history of the United States would be a story of general misery, poverty, and destitution. The facts are the other way round. Europe's record proves that big and all-powerful government, whether its sanction be royal, democratic, or revolutionary, produces general warfare instead of general welfare and promotes penury and pestilence rather than progress and prosperity.

COMPROMISE SUICIDAL

The all-time record discloses that wheresoever government gets bigger and bigger and more and more powerful it moves at the same time and at the same speed toward the hellish goal of Adolf Hitler, namely, the "nothingness and insignificance" of the individual human being. Modern English history shows that democracy is no inherent and absolute defense against the pernicious increase of governmental strength.

It is not how the government gets its power but the amount of power it gets that determines the fate of each and every individual John Doe who lives under its jurisdiction. The God-given nature of the said John Doe lays upon all human government a drastic and vital set of limitations. In the United States these limitations are written into constitutions which all of our governments must observe.

In a public speech recently made in Dallas, Tex., to the Texas State Bar Association, Mr. Manion also said:

Socialism and now communism have been eating at our Government for 25 years.

Many misguided so-called liberals and intellectuals have been trying to substitute government for God for a quarter century.

The Federal Government's tidelands grab is just one segment of the wide front over which the fire of communism is advancing.

Isn't it hypocritical to object to materialism in Russia or England if we yield to it here in the United States?

Many of those who would change this rule of long standing would have you believe that H. R. 4484 applies only to Texas, California, and Louisiana. This is not true. This bill quiets the title to all inland as well as marginal sea belts within the described boundaries of all of the coastal States, as well as the Great Lakes States and also the inland States.

The most flagrantly untrue statement which has been passed around for the truth is that this bill seeks to give away Federal property to the States. This is pure propaganda because as the facts have shown it has been the settled law of this land that the States have been and should be the owners in fee simple of all this property at all times since this union of States was formed.

Under the settled law of the land the States should have a valid title to this property by prescription since they have owned and claimed it openly and notoriously for over a century.

As between individuals a court of equity would settle this title question promptly in favor of the person who had possession of the property in good faith for so long a time.

As most of you know, we have a very recent case involving the *United States Government* v. *the State of Wyoming* (331 U. S. 440). In that case we find almost an identical situation wherein a Supreme Court decision took from the State of Wyoming a section of school land which that State had claimed in good faith for 57 years. Oil valued at more than $3,000,000 had been discovered and Congress, upon presentation of a bill, quitclaimed this section of land to Wyoming in spite of the Supreme Court's decision and, too, in spite of the argument of the Department of the Interior and the Department of Justice.

Every outstanding legal authority that I know anything about in the United States has proclaimed that the doctrine enunciated in the California, Louisiana, and Texas cases is unfair, confiscatory and has no basis in law.

There is no question but that in time of emergency or in time of war that the Federal Government has not only the right of eminent domain but has paramount political power over all navigable waters in this Nation for interstate and foreign commerce and national defense purposes. No State that I know of has ever denied this nor would any State deny it because national defense and the defense of the several States is synonymous. Every State recognizes that its ownership of the lands beneath navigable waters is subject to and must not interfere with the paramount governmental powers of the National Government. But all these political powers for specific purposes should not in law and cannot in reason change the original ownership of these lands from the States to the Federal Government.

I hope most of the membership of the House read the pamphlet which was sent to every Member a few days ago entitled "Every State Has Submerged Lands," showing that the 28 coastal and Great Lakes States have many millions of acres of land in the marginal seas which surround their coast lines and in the Great Lakes areas and that every State in the Union, whether an inland State or a coastal State or bordering on the Great Lakes, produces some mineral or food which in turn inures to that State's treasury or to its school system in money gained from the sale of these products.

Does anyone believe that if these Supreme Court decisions are permitted to stand that the kelp beds, oyster beds, sand and gravel beds, iron ore, the fishing industry or anything else is safe from Federal encroachment? I am sure that no Member is naive enough to believe that if the Federal Government is successful in taking these lands

because they need the oil, that the next step would be to bring suit against all the other States for the money they had collected from various leases and industries conducted by the States and by various cities within the States.

The evil effects of permitting this miscarriage of justice to stand, based solely on the proposition that the Government needs the money or the oil and disregarding all other facts, is the most dangerous trend toward socialism and nationalization of private property yet countenanced.

At the time Texas came into the Union by contract approved by the Congress of the United States, President Tyler said:

> We could not with honor take the lands without assuming the full payment of all encumbrances upon them.

Quoting further:

> Of course I would maintain the Texan title to the extent which she claims it to be.

To say that a specific agreement permitting Texas to keep its public domain and be required to pay its debts, is to be overruled by the general term of equal footing, is to disregard all of our law of contracts and all the rules of equity and common sense. The sharp practices of the Solicitor General, as well as the Attorney General, and upheld by the Supreme Court, in rushing the case through without hearing the facts and circumstances should, for all time, be a source of embarrassment and shame to every American. If adhered to in the future, it will jeopardize every legislative act of the elected representatives of the people. This decision will set a precedent in the future for the taking of not only the remaining property rights of the coastal States and the Great Lakes States, but the property rights of inland States as well. While we deplore the taking of private property by other nations of Communist faiths without compensation to the individual or the state, we permit the same here based on identical reasoning—that the central government needs the property. This is a fallacious doctrine because the Federal Government has the right of eminent domain over all property in time of need. I do not hesitate to say that this decision is dishonest and amounts to open and notorious theft of private property. I have just read an article by Dean Roscoe Pound, of Harvard Law School, who, in no uncertain terms, denounces this decision as unfair and not founded upon reason or law. James William Moore, eminent professor of law at Yale University, also says:

> The United States Government expropriated the Texas tidelands by judicial fiat.

His article is as strong as possible and explodes the governmental theory and unfair tactics in a clear and convincing manner.

For the Supreme Court to indulge in chicanery in order to take property without hearing and based on a strained theory not agreed to by the States, is repugnant to the average man. This denies the very theory upon which our great democracy was built and has endured. Justice for all and special privilege to none, cannot, in the mind of the intelligent citizen, he changed to read: "None but the Socialists and those who wish to nationalize private property."

In his dissent, Justice Reed said in the California case:

> This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine and factory in the Nation.

Justice Minton also agreed to this theory, Justice Frankfurter, in his dissent, said in part:

> The Court now decides that when Texas entered the Union she lost what she had and the United States acquired it. How that shift came to pass remains, for me, a puzzle.

This astounding decision by less than a majority of the Court, only 4 of 9 Justices, overturns 53 former decisions of the Supreme Court itself, most of which decisions were rendered by that high Court when politics had a much less persuasive effect than at the present time.

The private letters and papers of President Tyler bore out to the letter the contention of Texas as does also the State papers of Texas. But, strange to say, Justice Douglas, joined by three other Justices, did not want nor require enlightenment on the subject, because, of course, it might change their fixed opinion on the subject and overturn their prearranged desire to take that for the Federal Government which could not be sustained by the facts nor the law. History does not record a more bold attempt to destroy our constitutional system of divided responsibility of the executive, legislative, and judicial functions, except in totalitarian states.

We have reached the point in our history when we as Congressmen must accept the responsibility of statesmanship and call a spade a spade and, with effective means, we must call a halt to these inconsistencies and demand a return to common justice and reason for the persecuted but unorganized majority.

It is plain to see by reading the majority opinion of the Supreme Court, that it not only covers the three States involved in these three suits, but all States of this Union, when Justice Douglas said:

> Property rights must then be so subordinated to political rights, as in substance to coalesce and unite in the national sovereign. Today the controversy is over oil. Tomorrow it may be over some other substance or mineral or perhaps the bed of the ocean itself. If the property, whatever it may be, lies seaward of low-water mark, its use, disposition, management, and control involve national interests and national responsibility.

How anyone in the coastal States or the inland States, for that matter, could rest easy in the ownership of inland water—be they lakes, rivers, or even creeks—is more than I can see.

I urge each of you to vote to uphold the settled law of the land, as well as the Constitution of this great country, by overruling these three unfair Supreme Court decisions by voting for this bill.

Mr. REED of Illinois. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. SCUDDER].

Mr. SCUDDER. Mr. Chairman, I rise today in support of H. R. 4484, the Submerged Lands Act. I believe that the enactment of this legislation will rectify a mistake made by judicial action. If there was ever a time when we should put a stop to Federal encroachment on the rights and property of the sovereign States of our country, it is now.

For many years I have been in close contact with this problem. As a member of the State legislature in 1939, we enacted legislation providing for a high State royalty on one of the richest oil fields in the State of California. The Huntington Beach Oil Field lies below a good portion of the mainland of the State of California and extends on out beneath the waters adjacent thereto. Offset drilling was being practiced by many companies and the oil being taken from the submerged pool with no royalty accruing to the State of California nor to the Federal Government. We took legislative action and established a principle that slant drilling into the pool beneath the tidal waters was State-owned and through legal action established that right. We then went about to establish a proper royalty which should accrue to the State. In this we developed the highest royalty I believe that is exacted of drillers anywhere in the United States, which is 32 percent. We also provided for the distribution of the royalty so collected.

From these royalties each year there is taken $150,000, which is earmarked for educational facilities and advancement for veterans of our World Wars. Of the remaining balance, 30 percent goes into the general fund of the State and naturally finds its way into educational and other State purposes. The remaining 70 percent is used for the purchasing of beaches and park sites for recreational purposes and for their maintenance. These beaches and parks are facilities from which not only the citizens of the State of California but of the entire country benefit.

We have used this money to purchase coast-line properties and established many coast-line beaches. Can you imagine traveling to the Pacific coast and traversing our highways and not being permitted to go down to the ocean shore? These moneys which we receive are used for this general purpose.

When the Supreme Court ruling was put into effect, moneys collected for such royalties were forced to be impounded. At the present time, some $35,000,000 are impounded and we are losing the right to benefit therefrom. The false and misleading propaganda being put out by the opponents of this legislation is not founded on good faith. The amount of royalties taken from the three States involved would be so insignificant when spread throughout the entire country as to be of no practical benefit, but for the purposes to which they are now put they render a great service.

I can assure you that the statements made that this is an oil company grab

are false and not made in good faith because the oil companies would be in a better position to secure cheaper royalties if the ownership were in the Federal Government.

Permit me to give you some figures on royalties collected by California as compared with the Federal Government.

From 1921 through 1950, the yearly average was 19.13 percent. During the year 1950, California collected royalties at the rate of 24.99 percent from the income of oil companies who entered into agreements to produce from tidelands deposits By comparison, the Federal Government collects royalties from such sources as this on an average rate of 11 percent. The latest figures I have are for 1947, when the Government's rate of royalty collections was 11.38 percent. That same year, the State of California collected royalties from tidelands production at the rate of 24.91 percent.

I believe that the moneys which have been impounded are unfair and this bill will release these moneys for useful purposes. I am a great believer in States' rights and feel that the Federal Government should not inflict its rule or jurisdiction except where States involved are not in a position to do so.

I believe we should reduce the Federal Government's power over States whereever possible. It was never the intention of our Government to exercise such controls and it was only because of a prejudicial decision that this has been brought about. We should once and for all establish the right of States to operate freely and for the benefit of the citizenry. The principle involved in the decision which this bill seeks to correct affects the sovereign interest of every State in the Union and I hope and trust that it has the unanimous approval of the Congress and that if the President, as he has in the past, vetoes this bill, we may be able to override the veto and reestablish States' rights in our country.

Mr. GOSSETT. Mr. Chairman, I ask unanimous consent that all Members may have permission to extend their own remarks at any point in the RECORD on general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMPSON of Texas. Mr. Chairman, my approach to the tidelands legislation is that of a layman. I am not a lawyer and in the case of this far-reaching problem, it is necessary for me to do as I do in my private business, namely: to consult with my attorneys. This, I propose to do at the proper time during the reading of the bill for amendments unless I am able to secure a portion of the very limited amount of time which is available during the current debate.

If I understand it correctly, the underlying claim of the Government to the submerged lands previously owned by the States stems from the Government's desire to control the minerals which are under these submerged lands. This, in turn, stems from the need for those minerals in time of emergency for the defense effort.

The Government contends that it has paramount rights over all natural resources which may be needed for the defense of the country. However, nothing is said in the statement of the Government's position as to why these lands should be confiscated in normal times.

Of course, there is little argument that in time of war or national emergency every resource and every effort should be at the disposal of the Federal Government. However, it is a very different matter in normal times and one of the most startling factors of the Government's position in the case of the submerged lands is the obvious plan to move in under the cloak of national defense and then to remain in control for the balance of time.

My layman's thinking now leads me beyond the present case. If this precedent prevails and if the Government thereby establishes a right not only to move in on State or privately owned properties in the guise of national defense and then to remain in control of these properties for all time to come, just where would such a process end?

I expect to ask my lawyers—some of the able counselors who are Members of the House of Representatives—just where this very dangerous and revolutionary legal chain might end. If it does in fact establish the Federal Government's right over all properties which might be needed for national defense, then it would seem to my lay mind that the Government has taken for itself socialistic powers heretofore dreamed of only by those who frankly believe in the socialistic form of government. They are well known here in the House of Representatives, and they will all be lined up in opposition to this legislation. Of course, I would not, for a moment, imply that all who oppose the bill have socialistic tendencies. I merely say that all of socialistic tendencies are opposed to the bill.

I expect to ask my lawyers a further question which pertains to the rights of a person or a group of persons to a piece of property to which they have used and occupied without adverse claim for a long period of time. I recall what is known as the statute of limitation. If my understanding is correct, a man can move in on a piece of property which is not otherwise used. He can fence it, pay taxes on it, and, as the saying goes, he can squat on it. After a certain length of time he has, under the law, established a title to it, and this title is perfectly good and thoroughly recognized. I shall ask my lawyers to tell me why the States at the very least do not have perfectly good title under some sort of squatters' rights. Certainly they have used and occupied the submerged lands for a long time—some of them since the Nation was first formed.

When I am soliciting advice of my attorneys, I expect also to ask a distinguished attorney who spoke against passage of the rule some questions concerning his expressions about Government rights to all of our oil deposits. If I understood him correctly, he said that oil in this connection was like coal. If he feels that the rights to these two minerals belong to the Federal Government, I wonder if he would go so far as to say that they should be nationalized. Certainly the present Government tendency is very definitely in that direction. If, however, he feels that the Government should not take over oil and coal but rather that these minerals should remain in private hands as they now are, then I am wondering why he wants the control of them to be in Federal hands rather than in the several States.

In closing these few observations, I want to reemphasize something that has been said by other colleagues of mine on the subject—the oil companies were blamed earlier in the day for being sponsors of this legislation. This statement is, I believe, entirely unfounded. Not one single oil man or his representatives—lobbyists, if you like—have mentioned the subject to me. Expressions which have reached me come from a very broad cross-section of my constituents. Perhaps the most interested are those who are responsible for our public education in Texas, which is one of the principal beneficiaries from leases between the State and the oil companies.

The peculiar right which Texans believe to be theirs by virtue of the agreement entered into between the United States and Texas when our independent Republic joined the Union is being touched on by others and I shall not inject that with my own remarks.

I hope that the committee will listen carefully to all of the argument and will act toward the States involved in the legislation in accordance with the Golden Rule.

Mr. BENTSEN. Mr. Chairman, legal, political, and practical reasons are overwhelmingly in support of the conclusion that the submerged tidelands are, and should remain, the property of the States. History and precedent support this position.

From the early days through the period of the articles of confederation to and including the constitution, it has been the colonies, later the States, which have been the land-owning units. In the beginning the Federal Government owned no land. Such land as it has acquired has been largely by purchase or by grants by the States to assist the Federal Government in carrying out its functions as prescribed by the Constitution.

For over 100 years the States have been in possession of and claiming and have been using these lands within these boundaries in good faith.

There have been 53 previous Supreme Court decisions which have said just as clearly that the States own all lands beneath all navigable waters within their boundaries as this present Supreme Court has spoken to the contrary. It was not a gift in any sense of the word to allow the States to keep that which they have and rightfully own and which the Federal Government never had and never thought of claiming until recent years.

For over 100 years the Federal Government had no interest in these submerged lands. It was only after the

States and private enterprise have discovered and developed the petroleum, contained in this area, that the Federal Government displayed any interest in them whatever. Before 1937 no one questioned the supremacy of the States' sovereignty in the marginal seas within their territorial water. The institution of the Federal suit against California in 1945 was the first positive action and indication that the Federal Government planned such a grab.

The legal theory of State ownership is based on decisions famous in our jurisprudence upon the fact that the Constitution granted no ownership of submerged lands to the Federal Government, and they were therefore reserved to the States by the tenth amendment.

As evidence of the States' exercise of the highest rights of ownership are the nearly 200 grants of portions of submerged lands outside of the inland waters of the States to the Federal Government, many to the defense agencies and to the Fish and Wildlife Service. The War and Navy Departments have recognized the primacy of the States' rights in requesting such grants. Many Attorneys General of the United States have over a 100-year period tacitly admitted to such ownership by approving the various grants by the States to the executive agencies.

The States have for many years exclusively, regulated fisheries outside of the international waters. The Federal Government has many times recognized this as valid.

The States have for many years granted permission or leases for the removal of sand, gravel, shells, sponges, and so forth, from these waters. They have done the same for the erection of piers, docks, jetties, and other shore structures, as well as for the erection of breakwaters, and the filling in and reclamation of land. These actions have had the express approval of the Federal Government so long as they did not interfere with the regulation of interstate and foreign commerce and navigation which are conceded to be strictly Federal functions. The States have for a long period of years levied and collected taxes on activities and properties within this area. The States have regulated and policed the area without protest by the Federal Government. The Congress, through its committees, has expressed the belief that the States have exercised every sovereign right incident to the utilization of submerged lands.

The Congress of the United States has recognized the sovereign rights of the States to the submerged lands by numerous acts. On the occasion of the admission of California to the Union in 1850 Congress stated specifically that California's borders extended "3 miles out to sea." In approving the Florida State constitution in 1868 Congress stated that its borders extended three marine leagues to sea. In 1845 Congress recognized the boundaries of Texas to extend three marine leagues into the Gulf of Mexico. The Constitution of the State of Washington, approved by Congress in 1889, specifically asserted its ownership to the beds of all navigable waters within the territorial waters, which were started to extend one marine league out to sea.

Even the Supreme Court in rendering the decision in the case of the United States against California recognized some merit in the case for the States in stating that the above actions are consistent with the belief on the part of "some Government officials" at the time that California owned all, or at least a part of the 3-mile belt.

It seems to me, however, that such a principle, recognized so universally by all concerned for so many years should be recognized and confirmed by the Congress as a rule of equity and property law.

The States, in all good faith, and without contradiction by any Federal agency, have exercised all of the rights of sovereignty for a long period of years. In addition, since many States have based a portion of their tax structure on the ownership of these lands, it seems a matter of simple justice to confirm title of the States to the submerged lands. The economic and governmental success of the individual State is as important as the economic and governmental success of the superstructure of the Federal Government, for as the links of a chain are weakened so is the strength of the entire chain destroyed.

In this day of decreasing State revenues where the Federal Government has taken over many of the available sources of tax revenue, the income from these submerged lands is vital to the States' economy. Its loss would greatly weaken governmental functions to which these revenues have been dedicated for over 100 years.

The statement made in the California case that the Federal Government is the only Government capable of exercising power and dominion over any part of the sea beyond its shore is not valid. As I have stated before, the States have for many years been policing and administering this area of the marginal sea successfully. The persons affected, the Federal agencies themselves, including the Department of the Interior, and the courts gave full credence and recognition to the rights of the States to the submerged lands. In this connection it is worth noting that the Department of the Interior ruled 21 times during the regime of Harold L. Ickes, that the States are the owners of the submerged lands within their respective boundaries. From 1933 to 1937, the Secretary of the Interior conceded that the States owned the tidelands. What could have happened since then to have changed an accepted fact?

A typical example of the oil lobbyists who are fighting the claims and ownership of the States in these tidelands is that of Mr. I. A. Smoot, of Salt Lake City, Utah. Mr. Smoot is an applicant for a Federal lease on 800 acres of land off the coast of Long Beach, Calif., which he hopes to get for $200 under the 25 cents per acre Federal Leasing Act in effect when he filed. It is now worth a million dollars according to the California land commissioner. This is the kind of illegal bonanza that would accrue to oil operators unless Congress acts to reassert the ownership of the States to the tidelands.

The only oil lobbyists who have contacted me on this issue have favored the Federal proposal.

The Supreme Court decision in 1947 in the case of the United States against California, and in 1950 the decisions in the cases against Louisiana and Texas have caused dissatisfaction, confusion, and protest. They reverse what all had long understood to be the law. They have created an estate never before heard of, and have posed another in a long series of threats to our American constitutional system of dual sovereignty. Together they constitute another step toward nationalization of the Nation's natural resources if it is conceded that Federal rights of ownership are to be founded on the vital need of oil for the national defense.

The principal basis for the Government's claim to the submerged lands has been the vital need for oil for the national defense and the removal of the marginal seas from the international domain. There is justification as to the vital need for oil, but how can you justify a claim to ownership of land because of that? If the basis of need is to become a criteria for taking that which rightfully belongs to another, then if the need should appear, the United States Government could just as well take the rich kelp beds of Maine on which leases have been made within its 3-mile marginal belt for the production of iodine. Arizona, Kentucky, and Missouri could just as easily lose their sand and gravel from their river and lake beds; Colorado and Ohio under this justification could lose their gold production under navigable streams; Connecticut, Maryland, Delaware, and Rhode Island stand subject to losing oyster, clam, and shellfish franks. Certainly the country is in dire need of coal, but under the reasoning of the Court, Iowa, Pennsylvania, and West Virginia can have taken from them the coal produced from their river beds as would Minnesota and Wisconsin lose their rich deposits of iron ore under the Great Lakes which lie partially within their boundaries. New York has millions invested on pier lands within the marginal sea at Coney Island and along Long Island, and the same is true at Atlantic City in New Jersey and at Miami and other Florida resorts. And yet if the Nation decides it needs this land, under the reasoning of the Court they could be taken.

The value of oil for the national defense is in its availability. Under the States' auspices, oil from this marginal sea was rapidly being made available. It is hard to see how the case would be altered by a change of ownership. The Federal Government is not yet in the oil business although there are some who would like to see them nationalize it along with other industries. As to the removal of the marginal sea from the international domain, there is room for an honest difference of opinion. I do believe, however, that we in Texas took care of that when we established our independence in 1836. At that time we extended our boundaries three marine leagues into the Gulf of Mexico. Our

independence was recognized by most of the major countries of the world, including the United States. Until the Republic of Texas became the State of Texas in 1845, I find no record of any contest of that statement of ownership. The resolution of the United States Congress by which the Republic of Texas became a State, on confirmation by the State legislature, confirmed the boundaries as outlined by Texas. It is my belief that title to the submerged lands beneath the marginal seas to the extent of three marine leagues into the Gulf of Mexico were removed from the international domain and remain in the State of Texas.

If the justification for this high-handed action by the Federal Government is the crying need for oil for defense it is a poor one. Past experience has illustrated beyond the shadow of a doubt that development and production of petroleum resources in the marginal seas was proceeding efficiently and on an increasing scale under the procedures outlined by the States. Experience has conclusively demonstrated that development and production of public land mineral leases under Federal auspices has been relatively much slower and less efficient. Since the recent Court decisions, development of the oil resources in the submerged lands is at a standstill. Little new activity is being carried on, and much has been suspended. Revenues from leases by the States have largely ceased, and the schools and other States' activities in the three States so far affected have suffered, and at the very time when their needs are the greatest. These revenues will have to be made up somehow, and unless there is some relief the poor taxpayer will have to dig yet more deeply into his already tax-ridden wallet.

The present state of suspended activity is dangerous. To delay development is to ignore the present emergency. The Nation needs all of its sources of oil. You cannot blame the oil people for not going ahead when they do not know whether their leases will be valid or not. Prospecting and drilling in the tidelands is a costly matter, and many claims have been filed with the Federal Government which conflict with or overlap existing State-issued leases. The present situation is one of utter chaos. From it will inevitably develop a great volume of lengthy and costly litigation. This is a revolting prospect, and at the same time a needless one if we can but go back to basic issues. This the Congress can do by approving the quitclaim legislation which is now before it. By approving this proposed legislation the Congress will confirm the title of the States to the submerged lands, and once again the vital flow of petroleum, in orderly and efficient fashion, will pour forth.

Let us not lose sight of the fact that Texas, California, and Louisiana are but the first three States, which, in turn, as the bureaucrats decide, will lose the rights they have so long exercised. Even though, during testimony, the Federal Government has assured us that they are not interested in the resources beneath the inland waters, who can rest easy with the example immediately before their eyes of the assertation of an interest in, and demand for the possession of rights in the tidelands themselves after 150 years of disinterest? Federal officials notoriously give little credence to statements and commitments of those who preceded them in office. We may be sure that if we let this invasion of States' rights, the taking over of the tidelands, go by default, without a struggle, that it will not be long before the same pretext will be used again to claim the resources beneath the inland waters. By a simple extension of these claims and insistence upon the vital needs of the national defense, the Federal Government could easily assert claims to all natural resources wherever found. That there is a real feeling that the Federal claim may be extended to inland waters is evident. It is shown by the repeated assurances of some of the Federal officials in the hearings and by the fact of the introduction of a bill in the Senate to quitclaim Federal claims beneath inland waters. This would indicate that the Supreme Court decisions have placed a cloud over the title to the inland waters and the resources that may be contained beneath them. There undoubtedly are vast resources of minerals just as important to the national defense to be found there, and subject to the same claim on the same basis as that to the resources beneath the marginal seas. Is not this the issue in the present Federal grab being attempted in California for water rights in the San Margarita River Basin?

The tenth amendment to the Constitution states:

> The powers not delegated to the United States by the Constitution, or prohibited by it to the States, are reserved to the States, respectively, or to the people.

There is nothing in the Constitution which states that the tidelands are the property of the United States Government. It does say that the Federal Government shall regulate commerce and navigation and provide for the common defense—that is not questioned. Development of one or many of the natural resources found in a particular place is not of itself a sound basis upon which to rest a claim to property. I find no other reason behind all of the lengthy phraseology in the Government's briefs in the three Supreme Court cases.

This movement by the Federal Government is a part of its attempt to control all natural resources. The Government is already in a fair way to own or control the Nation's hydroelectric power resources and its water resources. It is attempting to do the same with natural gas. Federal bureaucracy has at various times seized and operated the Nation's coal mines and railways. The latter two by the declaration of a national emergency. But we seem to have a lot of emergencies. Life to the Federal Government is one crisis after another. Some day it may just fail to return the coal mines or the railways to their owners. The Federal Government has even tentatively advanced the idea that it might go into the steel business. Nothing yet has come of that, but who can say what may happen at some later date?

History, common justice, and common sense are all on the side of the position of the States of Texas, California, and Louisiana. A little more so, if I may say so, in the case of Texas.

The State of Texas in agreeing to the joint resolution of March 1, 1845, agreed to cede to the United States certain "public edifices, fortifications, barracks, ports, and harbors, navy, and navy yards" pertaining to the public defense belonging to the Republic of Texas. The Federal Government makes much of this in support of its claim to the marginal sea. However, it must be plain to all who read this provision, that it is nothing more than the transfer of the instruments and facilities for the active prosecution of a Federal responsibility assumed by the admission of Texas to the Union. This transfer was made necessary by the fact that the Constitution expressly forbids the maintenance by the States of an army and navy in times of peace.

I have said that it is only common justice and common sense that ownership of the submerged lands and the resources beneath them belongs to the States. During the course of the hearings on the various congressional bills bearing on the subject, the overwhelming evidence has been in that direction. Appearing before the several committees in the person of their representatives have been such qualified organizations as the National Association of Attorneys General, the Governors Conference, Council of State Governments, National Association of State Land Officials, American Bar Association, National Conference of Mayors, National Reclamation Association, American Association of Port Authorities, and many others. They all testified in favor of confirming the title of the States to the submerged lands. Appearing in opposition were only a few individuals, most of whom stood to benefit directly from Federal ownership, and representatives of executive agencies or Federal oil-lease owners. It is doubtful if there is any one domestic issue today on which State officials are more in accord than the ultimate return of title in the submerged lands to the States. As further evidence there is before the Senate a bill to accomplish this purpose which is sponsored by 35 Senators from 24 different States, littoral and inland.

The Congress has twice been asked to confirm the Federal position, in 1938 and 1939, and twice has not done so. On the contrary, Congress in 1946 voted to confirm the title to the States. Unfortunately this act was vetoed by the President. Again in 1948 the House of Representatives voted to do so, but the Senate did not act.

The Federal departments, concerned themselves, have maintained that the Congress must decide the issue. Even they admit in their contentions that Federal ownership to be asserted is only a dormant right, that it would be novel, never having been asserted before. The President and the Cabinet in insisting on the imposition of the

so-called rights of the Federal Government are ignoring the will of the majority of Congress which expresses the will of the people.

Many investments and commitments have been made, based on the premise that the States own the submerged lands. All of these commitments have been made and accepted by all concerned because of the many affirmative acts of ownership by the States carried on over a long period of years. Why not avoid all of the current confusion by removing, beyond question, once and for all time, the shadow cast on the title to the lands in question? This is just a matter of plain common sense.

Mr. THORNBERRY. Mr. Chairman, one aspect of the importance of the submerged lands controversy to the people of my State seems to me to need additional emphasis. That is its vital importance to the system of public education in Texas.

One of the fundamental complaints which the people of Texas made when they revolted from Mexico and declared their independence was that the Mexican Government had "failed to establish any public system of education although possessed of almost boundless resources—the public domain—and although it is an axiom in public science that unless a people are educated it is idle to expect the continuance of civil liberty or the capacity of self-government." The Constitution of the Republic wrote this "axiom in political science" into a provision for a general system of public education.

The founders of the Texas Republic were thoroughly imbued with the idea of the necessity for such a system. Sam Houston, twice President of the Republic, said:

> The benefits of education * * * are essential to the preservation of a free government.

And Mirabeau B. Lamar, second President of the Republic, said:

> A cultivated mind is the guardian genius of democracy. * * * It is the only dictator that free men acknowledge and the only security that free men desire.

That same President Lamar sent a message to the Texas Congress in 1838 urging the dedication of public lands of the State for the purpose of education. In making this recommendation he said:

> A suitable appropriation of land to the purpose of a general education can be made at this time without inconvenience to the Government or the people; but defer it till the public domain shall have passed from our hands, and the uneducated youth of Texas will constitute the living monument of our neglect.

During the 100 years since then the people of Texas have followed President Lamar's advice. Over 4,000,000 acres of land have been appropriated to the school systems of the respective counties. The legislature of Texas created a perpetual State public school fund to which eventually a total of 45,000,000 acres of land was conveyed. As early as 1919 the legislature granted authority to the school land board, as administrator of these lands, to lease for the benefit of the public school fund all submerged lands in rivers, harbors, bays, and under the Gulf of Mexico, and by 1939 all revenues from all the remaining unsold lands within the boundaries of the State including the 3,000,000 acres of tidelands in the Gulf of Mexico had been dedicated to the public school fund. Today Texas has a permanent school fund of approximately $151,000,000 and an average annual income from that fund of $10,000,000. This fund is the backbone of the public school financial program in our State. The development of natural resources of this property for the benefit of public education in the State of Texas has begun, but their full development is necessary in order to assure a continuation of the advancement of public education to the expanding scholastic population in the State of Texas.

The loss of any portion of the lands and the natural resources they contain represents a loss to the future of education in Texas. The loss of 3,000,000 acres of submerged Gulf lands potentially rich in oil and many other natural resources is a catastrophic blow to the foundation of our State school system. Far greater than that, however, is the threat of loss not only of Gulfward land but of the loss of the entire endowment in public lands through extended application of the principle upon which the school fund has been deprived of its seaward submerged lands.

This present loss, which will become permanent if Congress does not act to restore the State's title to its submerged lands as provided by the Walter bill, H. R. 4484, comes at a time when there is the most urgent need in Texas to increase and improve the equipment and facilities of our schools; to expand our overburdened teaching force by inducing many more highly qualified young men and women to take up teaching as a profession; and wherever possible to grant wage increases to induce our hard-working teachers already on the job to remain.

Is it any wonder, then, that the citizens of Texas, including parents and teachers, who have long been interested in the preservation of the public school fund of the State of Texas should be alarmed at the loss both present and potential to the fund and the very present danger it raises to the future of our State school system?

Why do these teachers of my State feel that the decision of the Supreme Court in United States against Texas should be nullified by the Walter bill?

That Supreme Court decision by a minority of the members of the Court deprived the State of Texas of lands which for 100 years had been incorporated within the boundaries of Texas.

These lands had been brought within the boundaries of Texas by act of the Congress of the Republic of Texas on December 19, 1836. Texas, as a recognizedly independent nation, defended them with her navy for 8 years. Under international law the lands belonged to the republic.

The annexation of Texas to the United States was first attempted by treaty between the two nations in 1844, but the Senate of the United States refused to ratify that treaty. By the terms of that proposed treaty Texas would have ceded all her public lands, mines, and minerals to the United States. But the treaty approach failed.

A year later annexation was effected by a joint resolution of the United States Congress proposing terms to Texas, a joint resolution in the Texas congress accepting the terms, and a final joint resolution of the United States Congress confirming the fact that Texas had accepted the offered terms and by that acceptance had become a State of the Union.

When the original joint resolution was introduced in Congress of the United States it contained a cession of "mines and minerals" by Texas to the United States, but this provision was struck out of the final draft and was thus not a part of the offer of annexation terms of Texas. Moreover, as abundant historical evidence shows, Texas was allowed to keep all "vacant and unappropriated lands lying within her limits" for the purpose of paying the debts of the Republic, which the United States did not want to assume. It was on these terms that Texas became a State. The lands thus left to Texas as a part of the bargain with the United States and which were not later sold to private individuals have become the heritage of the school children of Texas through the public school fund. They have been treated as a heritage for over 100 years by officials of the United States and Texas alike and so considered by all competent lawyers who have studied the question.

The legal basis of the title of Texas to these lands is easily understood even by non-lawyers. Texas was an independent Republic owning certain unsold lands. Included were submerged lands. Texas as a nation made a contract with another nation—the United States—to join it. As a part of that bargain Texas was to keep its vacant and unappropriated lands, it was not asked to cede its mines and minerals and it certainly did not cede any lands not expressly mentioned in the agreement of ennexation. The United States accepted this agreement and carried it out for over 100 years. Now when Texas is powerless to back out of the agreement and when its rights must be determined by the courts of the United States, the Supreme Court of the United States, refusing to look at any evidence of what the contracting parties intended at the time, has rewritten the agreement so as to take away 3,000,000 acres of the land which belonged to the Republic.

The reasoning of the Supreme Court in reading its decision—4 to 3—is even more shocking than the immediate loss of 3,000,000 acres of school-fund land itself. The Court reasons that, assuming ownership of the offshore submerged lands by the Republic of Texas, Texas must now be held to have relinquished them to the United States when it joined the Union because "property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign."

The teachers in our schools, as the teachers in every other school in the land, have always understood that our Federal Government was a government of limited powers formed to do for the States what they could not do for themselves in the fields of national defense, the conduct of foreign relations, and the control of commerce and navigation. Under the tenth amendment we understood that those powers not granted to the Federal Government by the Constitution were reserved to the States. A careful study of our history has led our teachers as well as our lawyers to believe that the fundamental property owning units were the States, not the Federal Government; that the Federal Government acquired land only for the purpose of carrying out its functions; and that compensation was due the State or the individual whose land was so taken. The States under our system of law held title to the land and conveyed it to individuals. This pattern had been followed in all of the original States and, as to submerged lands, was followed in all those States which had been subsequently admitted. The Federal Government, our teachers had taught, was possessed of national powers. These national powers were exercised for national purposes and only for national purposes which were unequivocably declared and specified. The underlying ownership of the soil remained either in the State or in the individual to whom the State had conveyed.

This concept has become so ingrained in our thinking that the arbitrary confiscation of private and of State property for governmental purposes in other lands has shocked our consciences. Nationalization of private property in Soviet Russia has caused the United States to refuse to recognize the Soviet Union from 1918 to 1933. Subsequent decrees of nationalization in England, France, and other continental countries in Mexico, in South America, and, most recently, in Iran have not failed to draw cries of protest from the American people.

It is not difficult for the citizens of my State to see that if Federal Government "needs" will justify the rewriting of a 100-year-old solemn agreement between nations so as to change the ownership of 3,000,000 acres of land, that same doctrine will also justify the taking of other lands belonging to the school children of Texas, irrespective of whether the lands are submerged or not.

The "old concepts of property law" which the Court has pushed aside are the very foundation stones of the rights of Texas school children to every other part of the State school lands. If these concepts cannot be relied upon, their title is insecure. If their title is insecure, the future support of the entire State school system is in doubt.

It is this genuine concern for the future financial support of our public schools that make me strongly support the Walter bill, now before the House.

This bill will restore to all of the States of the Union the submerged lands within State boundaries as declared at the time they entered the Union. It will erase the effect of the decision of the Supreme Court in United States against Texas and restore their 100-year heritage to the school children of Texas.

It has been suggested by some that Texas' school children should be willing to share the income from their submerged lands with the children of all the other States. The impracticability of this suggestion is realized when you consider that if the $7,000,000 which the State school fund has already received in the form of bonuses and rentals from its off-shore submerged lands were instead divided among the 48 States, only the sum of $145,823, a mere drop in the bucket, would be left for each State. Moreover, it would be grossly unfair to Texas school children to require them to divide the income from their natural wealth for the benefit of the school children of all the States of the Union, without at the same time requiring each of the other States to divide their income from natural resources among all the States of the Union for the benefit of the public schools. Such a proposal has been advanced in this Congress, but its unfairness to my State under the circumstances is apparent.

The school teachers of my State and those interested in the public school fund are not here fighting for the oil companies, as has been unfairly alleged by the advocates of Federal seizure and ownership. The oil companies, under assurances already received from the present Federal officials, will get their leases irrespective of who the Congress permits to own these submerged lands. If the Supreme Court's minority opinion is allowed to stand, only the school children of Texas will be the losers.

I plead with the Members of this Congress to consider the welfare of the present and future school children of Texas and to pass the Walter bill.

Mr. ROGERS of Texas. Mr. Chairman, the tidelands issue has been treated at great length by almost every conceivable phase of our economy. Not because there was a dispute between the Federal Government on the one side and Texas, California, and other States on the other side as to the ownership of the natural resources beneath those lands, but because the American people as individuals realize that the questionable reasoning of the Supreme Court could, by application in other fields, create a tremendous impact on the basic principles upon which our Government was founded and could well mean the beginning of the end of the States' rights, freedoms, and true representations that we have all so dearly cherished. The decisions of the Supreme Court in the California, the Texas and the Louisiana cases have contributed more toward clouding the faith of the American people in the judicial system than any other three decisions in the history of this country. As a lawyer I will perhaps be subjected to criticism for making this statement, but such criticism cannot detract one iota from the truth of the statement made. And if the fundamental principles upon which this Government was founded and the abiding faith that has always been present in the mind of every American are to be restored, we cannot blind ourselves to the true feelings of the people nor undertake to justify such decisions by the use of ambiguous terms and unclear thinking. The Supreme Court has, in an effort to justify the end sought, undertaken to employ one principle of law and apply it in each of the cases without regard to the facts present and without so much as doing lip service to agreements that we of Texas have always considered binding on both parties. In fact, our understanding in this respect has caused us to fulfill all of the obligations to which we were subjected at the time we entered the Union. And by the same token we have the right to expect the Union into which we entered to honor and fulfill its obligations and the terms of the agreement in the same manner.

There has been much said concerning this particular point both in the courts and out. The question has been fully briefed by the able lawyers representing the various States involved and the subject has been treated at length by the attorneys for the United States Government. For me to go into those matters and reiterate the decisions, the evidence, and the arguments would be mere repetition. Therefore I will confine my remarks to the one basic point concerning the Texas decision with which every landowner will be faced unless Congress recognizes the fallacy of the Supreme Court's decision and rectifies the wrongs thereby brought about. When Texas entered the Union it retained all of its public lands, which included the 10½-mile strip now in dispute and to which the reference "tidelands" has been employed. In retaining these public lands Texas was also required to pay its own national public debt. These terms were considered at the time of the entrance of Texas into the Union as obligations on the State. In fact, the Federal Government felt at the time that the public lands were worth far less than the amount of the public debt of Texas at that time. Texas accepted these provisions and entered into the Union in good faith. It subsequently paid its public debt and assumed the ownership of its public lands. It sold and traded in these public lands and issued patents as the original source of title to the lands. Since the tidelands was a part of the public domain it fell within the same category as public domain owned by the State in the most extreme sections of the great Panhandle plains country of Texas which lies over 700 miles from the seacoast. The people of Texas who originally purchased public domain from the State met the requirements laid down by the State and accepted as evidence of title patents issued by the State.

Much of these lands have subsequently passed into hands of many purchasers who have relied upon the patent from the State of Texas as the original source of title. In fact, I own a small piece of property that lies approximately 750 miles from the Gulf of Mexico. This land I purchased and relied upon the title above referred to. If the decision of the Supreme Court in the Texas case is the law of this land and the tidelands are the property of the United States of America, regardless of the terms of the

contract between Texas and the United States, then those of us who have dealt in good faith and have purchased land in the State of Texas regardless of where it lies are no more secure in the ownership of our homes than is a citizen of the Soviet Union whose property belongs to the State and in which he has only the right of a permissive user. The only claim that the landowner in Texas has as to his own home, if the reasoning in the tidelands case is correct, is title derived by adverse possession under the statute of limitations or the claim of ownership under the doctrine of estoppel. Since the statute of limitations does not run against the sovereignty such a plea by a home owner would be of no effect. This would reduce him to the one claim or defense of estoppel. If his title is to rest on the doctrine of estoppel then he is driven to the point where he must say, in order to protect his home, that he admits that the Federal Government owns his land but because the Federal Government has so conducted itself that it stands in a position of bad faith and therefore should not be permitted to assert its bare legal title. No man in the United States of America would have ever contemplated or foreseen that this country could have ever reached the point where a plain, honest citizen having as a primary interest the raising of a Christian and patriotic family would be driven into a corner where he would be required for self preservation of himself and his family to make such an admission. The tidelands decisions are a black mark on the pages of American history and can only be erased by an honest and straightforward act on the part of the Congress of the United States.

Mr. McDONOUGH. Mr. Chairman, today California is a focal point in the controversy over the issue of State's rights in which the Federal Government has laid claim upon the tidelands which extend along the coast of California for 1,200 miles.

The tenth amendment to the Constitution provided that—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Under this provision for more than a century in California and other States of the Nation, the rights of the States and their people to the ownership and full enjoyment of all lands beneath navigable waters within their boundaries were recognized by the Federal Government.

By such lands beneath navigable waters is meant the land under every navigable river, stream, and lake throughout the Nation, as well as the waters of all bays, ports, harbors, and channels along their ocean coast lines, out to the limits of the State boundaries. This includes, as well, all natural resources within this area.

The boundary of the State of California, as provided in the State constitution, extends 3 miles into the Pacific Ocean and includes all islands along and adjacent to its coast. Sole ownership of this area by the State has always been recognized by the Federal Government and all of its departments and agencies until a little over a decade ago. As late as September 22, 1933, in answer to a letter addressed to him by an applicant for a leasing permit from the Federal Government, Secretary of the Interior Harold L. Ickes gave the following written reply to the applicant:

> Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

About 3 years later, however, Secretary of the Interior Ickes changed his mind and decided to seek to establish ownership and control in the United States over these lands. Efforts were made unsuccessfully to have the Congress declare these lands the property of the Federal Government.

When Congress failed to declare the tidelands the property of the Federal Government, proceedings were instituted in the Supreme Court, and a decision rendered which declined to hold that the United States was the owner of the tidelands, but stated that California was not the owner of these lands.

The title to the tidelands in California and in the other States has remained in controversy to the present with the subsequent confusion.

In California our great harbors are clouded by the Supreme Court decision. Our world-renowned public beaches and shoreline recreational developments are at a standstill until the State's ownership of tidelands is reaffirmed. One city alone, Long Beach, finds many of its important community projects paralyzed until this matter is cleared up.

Thousands of homes and pieces of land owned by thousands of persons are up in the air while the issue of whether or not the Federal Government is to be empowered to take at will, and without compensation, such lands as it needs or wants is still to be decided.

To illustrate what this means to real estate in California, the California tidelands in dispute include the land under San Francisco's ferry building and the land under San Diego's civic center and municipal airport. Half of Los Angeles Harbor and much of Long Beach Harbor are of uncertain status.

In the claims of the Federal Government for title to the tidelands, much has been made of the oil deposits under the tideland area in California and the need for Federal control for the preservation of natural resources. The facts, however, show that oil deposits are actually found under 15 miles of California's coast line, and half of the estimated oil supply in those pools has already been extracted.

The State of California is the guardian of all the rich natural resources so important to our national economy and security, and shares equal concern with the Federal Government for the development and protection of these resources.

The 1,200-mile coast-line tidelands area of California is one of the State's greatest natural resources. Hundreds of millions of dollars have been spent by the State and its citizens on harbors, fisheries, pleasure resorts, and other uses essential to the orderly development of the State. The cities and counties of California have additional plans for the use of the tidelands. But if the tidelands question is not settled these plans are retarded, and if title should be awarded to the Federal Government, the people of California would be subordinated to the Federal Government in these matters.

I believe that equity calls for the confirmation of the title to these lands to the State, and I have introduced H. R. 1364 which would confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources.

This bill along with other bills introduced relating to this subject were recently considered by the House Judiciary Committee which has reported out a bill similar to that which I introduced, H. R. 4484. This bill will shortly be considered by the House and it is my hope that favorable action will be taken by the Congress.

In the report of the committee on H. R. 4484, it states that all agree that only the Congress can resolve the long-standing controversy between the States of the Union and the departments of the Federal Government over the ownership and control of submerged lands. The longer this controversy continues, the more vexatious and confused it becomes. Interminable litigation has arisen between the States and the Federal Government, and others. Much-needed improvements on these lands and the development of strategic natural resources within them has been seriously retarded.

The purposes of H. R. 4484 as reported by the Judiciary Committee are to define tidelands areas, to confirm and establish the rights and claims of the 48 States, asserted and exercised by them throughout our country's history, to the lands beneath navigable waters within State boundaries and the resources within such lands and waters, and to provide for the leasing by the Secretary of the Interior of the areas of the Continental Shelf lying outside of the State boundaries.

With the passage of H. R. 4484, the right of the State of California to the tidelands area would be established and end the controversy which has been blocking development of the tidelands since 1938.

Mr. KILDAY. Mr. Chairman, it is in the vital interest of every State in the Union that this bill be passed. Every State has submerged lands. There has been an earnest effort on the part of the opponents of this legislation, and every advocate of a strong centralized government opposes it, to spread the impression that the bill is for the benefit of only California, Texas, and Louisiana. They are equally diligent in spreading the report that only a few oil men are in favor of this legislation. Actually, this legislation is of importance to every citizen in every State of the Union. It happens that thus far the administration has seen fit to proceed against oil only; and it happens that California, Texas, and

Louisiana have thus far produced oil in the so-called tidelands. No one can foretell in the tidelands of what other States oil may be discovered, neither can we foretell against what other products or commodities the administration in power may decide to proceed. It is essential to all of the States that the title to submerged lands, whether they be rivers, lakes, or tidelands, be quieted and quieted now. This bill will do so.

In my own State of Texas the people have a particular interest in the tidelands. I know many of you are tired of hearing Texans say we are different. In the quetsion of public lands we are definitely different. The Federal Government has never owned any land in Texas except that which has been donated to it or it has purchased. Texas is the only State in the Union which has always owned its public lands. That situation arose from the method by which we entered the Union.

Texas was a Republic and confirmed in her ownership of her public lands which included the lands, or tidelands, to which the Federal Government now lays claim. When it was proposed that Texas enter the Union, the proposal contained a provision under which the Federal Government would acquire the public lands of Texas, and would assume its public debt. The Federal Government rejected that proposal. Texas was later admitted to the Union under an agreement that it would keep its public lands and pay its public debt. The Texas obligations under that agreement were met and we paid our public debt. From the time of our entry into the Union in 1845 until the days of Harold Ickes, about 1935, no court and no Government official ever questioned our full ownership of these lands.

The decision of a minority of the Supreme Court has not only clouded the title to these lands, but has left their status in great confusion and uncertainty. This bill will eliminate that unhealthy condition. That Congress has the right so to do is conceded by all and is in accordance even with the decision of the Supreme Court.

This bill should be adopted.

Mr. POULSON. Mr. Chairman, there has been about as much demagoging and misstatement of facts on this tidelands bill as in any debate we have witnessed to date. Our esteemed colleague the gentleman from Texas [Mr. GOSSETT], who will soon be resigning from Congress to accept a position which designates his legal ability, gave us a very fine introduction and factual presentation of the problems involved. I am not going to go into the details again.

I just want to state that the real issue is that of States' rights versus Federal domination. We all know that the oil companies will pay royalties whether the State or the Federal Government owns the land. There are some groups who have filed claims on this land, thinking that if the Federal Government should obtain the title, they would be able to get these properties away from those who really produced the oil. That is about the only selfish interest that anyone could have in the bill and, of course, that would be on the side of those opposing this legislation.

Now the gentleman from Montana [Mr. MANSFIELD] is going to offer an amendment which certainly should be defeated because it would be a backhanded approach to legislation on Federal aid to education which cannot pass this House, at least its advocates have been unable to even get it out of the committee. Furthermore, that is not the issue, and I do not believe in earmarking any funds for specific purposes, as that is poor legislation.

I am submitting a letter written by Dr. Arthur G. Coons, president of Occidental College, to Dr. Arthur S. Adams, president of the American Council on Education, on the subject matter contained in the Mansfield amendment. Dr. Coons, incidentally, is one of the leading educators of the West and has served on several commissions, including the Japanese Reparations Commission to which he was appointed by President Truman. I am also submitting a copy of my reply to Dr. Coons' letter, as I think it is very pertinent to the subject.

All the gentleman from Montana [Mr. MANSFIELD] is doing in his amendment is to offer bait for the purpose of helping the Federal Government to get its tentacles around some of the basic rights of the States.

OCCIDENTAL COLLEGE,
Los Angeles, Calif., July 11, 1951.

The Honorable NORRIS POULSON,
Congress of the United States,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN POULSON: I am sending a carbon copy of a letter I have written to Dr. Arthur S. Adams, president of the American Council on Education, relative to the amendment to Senate Joint Resolution 70, subsection of section S, introduced by Senator LISTER HILL.

Very truly yours,

ARTHUR G. COONS,
President.

OCCIDENTAL COLLEGE,
Los Angeles, Calif., July 11, 1951.

Dr. ARTHUR S. ADAMS,
President, American Council on Education, Washington, D. C.

MY DEAR DR. ADAMS: Upon the merits of Federal versus State ownership of the tidelands oil royalties there may be reasonable difference of opinion among presidents and institutions. Upon whether or not there should be Federal aid to education at one level or another or at all levels there may be difference of opinion; and if Federal aid what form it should take.

It seems to me very unfortunate to link a given and major source of Federal revenue primarily to education or to any special present or proposed object of Federal expenditures. Furthermore, although conceivably highly motivated, Senator HILL'S proposal may have the indirect effect of gathering political strength behind the Federal tidelands royalties ownership when that issue should be debated and decided on its merits. I say all this mindful of the financial problems of the independent colleges which might receive some minor portion (hardly a major portion considering all the claimants) and therefore in some measure against the interests of this institution.

Very truly yours,

ARTHUR G. COONS,
President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 17, 1951.

Dr. ARTHUR G. COONS,
President, Occidental College,
Los Angeles, Calif.

DEAR DOCTOR: I read with interest your letter to Dr. Adams of the American Council on Education. You certainly have enunciated a principle which far transcends the immediate gains to be derived from such legislation as is contained in Senate Joint Resolution 70.

I think the argument advanced by Senator HILL is similar to that advanced by the advocates of a national lottery who claim that we can get plenty of easy tax money that way. Once we adopted the principle involved in Senate Joint Resolution 70, we would be establishing a precedent which might lead to very disastrous legislation.

Sincerely yours,

NORRIS POULSON,
Member of Congress.

Mr. BURLESON. Mr. Chairman, the National Association of Attorneys General recently published a brief relating to this measure, H. R. 4484. On page 3 of that statement are succinctly set forth 11 reasons why the bill should be supported.

We can talk on this legislation for days, but nothing more forceful can be presented than this information which comes from the Submerged Lands Committee of the National Association of Attorneys General of the 48 States.

It is my understanding that every Member of Congress has been furnished a copy of this document, entitled "Every State Has Submerged Lands," and if you have not done so, I hope you will read it. If you do not have it available and you will let me know, I certainly shall be glad to furnish you a copy immediately.

Mr. Chairman, it is regrettable that there has been so much misunderstanding and misleading propaganda on this very vital question. It seems to me to be enough that the Federal Government, by its direct action and supported by the Supreme Court, has invaded States' rights and has taken that which does not in reason conceivably belong to it. It is the next thing to nationalization, and we only have to look at several places in this world to see what nationalization of property by the Government has meant.

Although I am interested in the other States which have similar rights, you know, of course, that by treaty with the Republic of Texas, when it came into the Union, its tidelands were specifically reserved. The action of the Federal Government is not only a violation of States' rights, not only a form of nationalization of industry, not only a moral and legal violation upon a State in this Union, but it is a gross violation of contractual relations. It is not my intent to sound a melodramatic note, but if we look at those governments which have chosen the path of socialism and in effect confiscated private property, it should be a warning to those of us who abhor this system and believe not only in States' rights, but in freedom of enterprise, which I do not believe possible under Federal control. It is unnecessary to go into the theories involved

between that which has heretofore been accepted as a just and proper system and that of Federal ownership. There are many other good and sufficient reasons why the Federal Government should not confiscate from the State its rightful ownership of these valuable properties, but to my way of thinking, it is the best reason why this Congress should determine once and for all that the State's right to its submerged lands is inviolable and place a law upon the statute books which the Supreme Court will have no difficulty interpreting.

Mr. Chairman, I hope the House of Representatives will continue the solid theory of government that individual enterprise, with a minimum amount of Government interference, maximum production, and local self-government at the city, county, and State level, are foundation stones upon which our Nation's economy and our own system of government is laid. The Federal Government in its attempt to confiscate the submerged oil lands along the coasts of Texas, Louisiana, and California, has disallowed these fundamental concepts. As an author of a bill on this subject, a considerable portion of which is included in the measure now before us, I appeal to the membership to give overwhelming support to this bill, and if it is passed overwhelmingly, I hope the President may take notice of it and not exert his veto. My colleague from Texas [Mr. GOSSETT], has ably outlined for you the history of this effort on the part of many of us here in the Congress to remove once and for all this inequity which has been imposed upon the States. He and others have mentioned the passage of similar legislation, only to be vetoed by the President, and a failure of the Congress to muster the two-thirds majority necessary to override his veto. I hope, of course, this is not the case in this effort, and if a strong vote is given, both in this and the other body, it may give the President reason not to veto the measure when it is placed before him.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. BAKEWELL].

Mr. BAKEWELL. Mr. Chairman, I find myself in the position of being the only Republican member of the Judiciary Committee who signed the minority report on this bill.

I am opposed to this legislation because I think it is detrimental to the best interests of the United States Government, and, secondly, because I think the proposed legislation is patently unconstitutional. One need not belabor the point regarding the indispensability and utilization of oil, insofar as the defense and security of our country are concerned. I think it imperative that the United States Government maintain control and utilization of these vital and strategic oil deposits. I should think that the Iranian oil crisis today would make us stop and think before enacting this type of legislation.

With respect to the Iranian oil crisis, the Supreme Court, in its opinion in United States against Texas, was almost prophetic when they made this statement:

> The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

It has been repeated over and over today that the purpose of this legislation is to confirm title to these properties under the marginal sea in the respective States. How, though, can the Congress of the United States enact legislation to confirm title in the States when the title is not in the States? The Supreme Court has so ruled in the Texas case—and I quote again:

> When Texas came into the Union, she ceased to be an independent nation. * * *
> We hold that as an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States.

In other words, the Supreme Court of the United States has determined that the title to this property is in the United States. So how can you enact legislation to confirm that title in the individual States?

Mr. HINSHAW. Would the gentleman like an answer to that?

Mr. BAKEWELL. Yes, I yield.

Mr. HINSHAW. I take it that under article IV the Congress has the power to dispose of or make any rules and regulations respecting the territory or other properties belonging to the United States. If this property does belong to the United States, then this legislation is in order to restore it to the States.

Mr. BAKEWELL. I agree thoroughly that the Congress has the power to transfer title to lands and to convey properties. However, I do not think that is the issue in this legislation. We are not merely transferring property. We are not executing a deed to some property, or transferring something. What we are endeavoring to do by this legislation is to release, to yield, or to dispose not merely of acreage or a few gallons of oil; we are endeavoring to dispose of, yield, and transfer part and parcel of our national sovereignty. That is the issue here. It is not a question of divesting the Government of some acreage. It is a question of whether or not the Congress has the authority to divest, or dispose of some national sovereignty. In that regard, I would like to quote again from the opinion of the Supreme Court in the Texas case. With respect to national sovereignty, the opinion says:

> Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged.

And again from the same opinion:

> This is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

The question is: Can the Congress of the United States dispose of any of the sovereignty of this Government? The Government and its representatives in Congress are confined by the limitations of the Constitution to just such powers as are specifically delegated to us. Nowhere in the Constitution of the United States is authority given to the Congress to yield, transfer, or dispose of any of our national sovereignty. National sovereignty in this country resides in the people, and only the people may dispose of it. The opinions of the Supreme Court are replete with statements that what is involved here is national sovereignty—and the Congress cannot dispose of national sovereignty.

It is, therefore, my opinion that this legislation is palpably unconstitutional. If it is ever finally enacted into law and is considered by the Supreme Court, I feel certain that the Court will declare the law unconstitutional. Then we will have compounded this confusion and none of the problems will have been solved.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. BAKEWELL. I yield to the gentleman from California.

Mr. HINSHAW. Article 10 of the Bill of Rights says that the powers not delegated to the United States by this Constitution or prohibited to it by the States are reserved to the States respectively and the people. There is nothing in the Constitution anywhere or any of its predecessor documents that gives the right of sovereignty and dominion over these lands to the Federal Government. For 150 years these rights of the States have not been challenged.

Mr. BAKEWELL. The gentleman is perfectly correct that the powers not given to the Congress of the United States are reserved to the States and to the people respectively. The United States is the only government in the world today in which ultimate sovereignty resides absolutely with the people; so there can be no disposition or yielding of any national sovereignty through any other means than through the people themselves.

Mr. WILSON of Texas. Mr. Chairman, I yield 6 minutes to the gentleman from North Carolina [Mr. BRYSON].

Mr. BRYSON. Mr. Chairman, I strongly urge the Members to give favorable consideration to this bill so that it can become law before the end of this session.

The issue is simple, the need for the remedial legislation is imperative, and the enactment of this bill will accomplish a just determination of an unfortunate controversy, in keeping with our long-standing and honorable traditions. It seems to me that we are bound in conscience to provide this legislation settling once and for all the moral and legal rights of the States to the lands beneath the navigable waters within their established boundaries.

That is of paramount importance to every one of the 48 States. It is not less so to the people of my own State of South Carolina. The enactment of H. R. 4484 will reaffirm that State's title to almost three quarters of a million acres of submerged lands—450,000 acres under its inland waters and 265,000 acres under its marginal sea. Its coastline ex-

tends for almost 200 miles and abounds in fish to such a degree that it is one of the few States in which there is no closed season on fishing. Funds collected for fishing rights and licenses from those engaged in commercial fishing within the marginal sea have constituted an excellent source of revenue to the State. In addition, it has collected many thousands of dollars annually from amusement piers, which extend out into the ocean beyond the low-water mark.

There are a number of mineral products, including stone, sand, and gravel, raw clay and clay products, and iron ore in the submerged lands and—perhaps ultimately to be the most important—in recent years oil and gas leases have been entered into.

The situation involved here is not a case of a State coming to the Federal Government with its hat in its hand begging for something to which it is not morally and legally entitled. This is not a State-aid program. If a court, on the grounds of expediency, suddenly determined that your front yard to which you had title for many years did not belong to you but to your State, action by your State legislature in restoring it to you could not be considered in the light of alms giving. The restoration of property, of which you have been unjustly deprived, is a matter of pure justice and the sooner done the better for the conscience and good name of the sovereign.

Let there be no mistake about it. This bill entails nothing more than such justice to the States, acknowledging their title to these lands and their right to the revenues therefrom. These are revenues which very properly belong to the States.

The Supreme Court has ruled in the case of *Toomer* v. *Witsell* (334 U. S. 385) that the power of the State of South Carolina to regulate fishing in the marginal sea area within its boundaries may be exercised only in the absence of a conflicting Federal claim. This decision was based upon the holding in the California and Texas cases despite 53 previous decisions by the same court on the basis of which the States had been operating for over 100 years.

The asserting of a paramount right on the part of the Federal Government, based upon a claim of expediency because of national defense, is something which the Congress should not tolerate any longer.

The State of South Carolina has recently made great strides in the matter of public education with a program involving the expenditure of great sums of money. Its action in this respect is being acclaimed more and more and has been a credit to its people.

Some Federal authorities now urge—as a sop to those seeking Federal funds for education—that the Federal revenues which would come in from Federal ownership of these lands be used as aids to the States in their public educational programs. Do not be misled. This bill makes no such provision. Even if it did it would be but poor justification or compensation for the judicial seizure of these lands

Mr. Chairman, in the interest of all our citizens we must pass this bill. If it is not enacted and the Supreme Court decisions are to control it might be impossible for the residents of the several States to go fishing in the marginal sea or in the inland navigable waters without first obtaining permission from the Federal Government. That is an intolerable condition.

For the sake of justice and equity, I urge the speedy enactment of this bill.

Mr. REED of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. JONAS].

Mr. JONAS. Mr. Chairman, the bill dealing with submerged lands presents a number of interesting problems. In fact, this bill is designed to wrest from the Government the power and authority to grab large submerged areas located beneath the ocean waters, navigable rivers, and inland seas. In plain terms what has come to pass is that the Government of the United States has by Court decree arrogated to itself the power to control the front yard of every State in the Union whose lands abut on the high seas, inland waters, or navigable rivers.

The bill before the House is intended to prevent Government encroachment upon the rights of the respective sovereign States by fiat or decree. To eliminate this evil is the primary purpose of this bill.

I read the condensed committee report of what transpired before and after the Government took over. It will be noted that the authority of the Government to control submerged lands is not novel or of recent origin. Need for the present legislation is imperative because the Supreme Court of the United States in a number of recent decisions has decreed that title to submerged lands does not vest in the States but in the Government of the United States. Undoubtedly, many Members of the House are familiar with the litigation instituted by the Government and the ultimate findings of our Supreme Court. There is no question in my mind but that the Court definitely determined the question of title to submerged lands and thereby endeavored to establish who had lawful title and who should exercise dominion over all lands that come under this particular classification.

The specific instances in which the Court has recently spoken relate to areas located in California, Louisiana, and Texas. It may serve no useful purpose here to try to analyze the findings of the highest Court of the land but it may be pointed out with propriety that the decisions relating to title of submerged lands wholly within the United States or within the zone recognized for jurisdictional purposes on the high seas are by no means unanimous. There appears to be an honest difference of opinion among the Judges of the Court concerning this controversial question and furthermore it may not be remiss to add that the dissenting opinions are difficult to reconcile with the reasoning found in the majority opinion of the Court.

I urge that Congress pass legislation and in it incorporate language that definitely establishes title to submerged lands in the States. The doctrine of States' rights to lands wholly within the States and insofar as they apply to the matter under consideration has been almost universally recognized by our courts for more than a century. In my opinion the Supreme Court of the United States had to indulge in considerable flexibility to meet the challenge and overcome the language of previous decisions in which matters directly related to submerged lands or matters wholly incidental thereto were decided.

A careful analysis of the arguments in support of Government control over tidelands or lands under water all point the way to that familiar and frequently quoted expression—to wit, that of "national defense." Of course we should not do anything drastic that may or can prejudice our national defense but I contend that the soundness of this argument is entirely dissipated because the terms of the bill under consideration make ample provisions for taking steps in case of imminent danger or great emergencies whereby the Government can immediately acquire temporary control over any area that might impede or tend to obstruct or interfere with national defense. In that respect the bill is definitely clear and nothing in this legislation, if adopted, can, as I see it, prejudice the rights of the Government in any way, shape, or manner.

It appears to me that it is a dangerous precedent to call on the judicial department of our Government to supply legislation that Congress failed to enact. That is exactly what has transpired to date because the Government presently is acting under a mandate conferred upon it by judgment or decree of a court. Candidly speaking, courts have no business to write into their decisions language that tends to legislate. That task is the business of Congress. It is the duty of our judicial department to interpret the law and with that accomplished the authority of the judicial department ends.

In the California decision the decree entered in part recited "that the United States of America is now and has been at all times pertinent hereto possessed of paramount rights, in, and in full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean," and so forth.

In the majority opinion the following language appears from which I quote:

> The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal seas. The United States here asserts rights in two capacities transcending those of a mere property owner.

The Court then defines these two capacities as that of national defense and conducting foreign relations.

It could be presumed that nothing might have transpired that would have disturbed the orderly process that heretofore prevailed concerning title to submerged lands, but because of modern trends toward the Nation's desire to expand and progress, scientists predicted

that oil would be found under the waters of the sea. I cannot comprehend what defense can be interposed to the charge that the States have been in control of submerged areas and tidelands for a period covering more than a century. There is ample proof to support this general contention sustained not only by judicial findings but by the acts and conduct of the people in charge of the respective State governments. In fact, for years enabling acts were passed by numerous State legislatures which steps were incidental to developing and exploring tide and submerged lands with a view of tapping whatever minerals might be found thereunder. Pursuant to these legislative acts, written leases were executed and entered into between the States and private enterprises and literally millions of dollars were invested pursuant to these agreements. The Government stood idly by for years and if at any time the rule of laches could be invoked it would seem reasonable that this plea could be honestly and definitely interposed to the claim made by the Government at this late date. This persistence and urgency on behalf of the Government in the light of what has transpired in the past strikes me as being most obnoxious and in the main is indicative of the fact that centralized government is reaching out for power, regimentation, and government control on a gigantic scale.

While it is true that the Government of the United States has already demonstrated that it can and has taken over facilities, the operation of which is in direct conflict with private enterprise, nevertheless it has never overreached itself to the extent that it is attempting to do in the instant case. To defeat this legislation would mean the acquiescence of the States in delegating to the Government authority that may have the most far-reaching detrimental and evil repercussions. If the Government is to prevail in its contention I have no hesitancy in saying that we are finally and definitely on the march to that of Government control over about everything that we own, eat, wear, or hope to possess or have title to in the future, whether the product involved be tangible or intangible.

Undoubtedly, governmental agencies who are pursuing this course are aware of the fact that presently the cry of national defense has a great emotional appeal and therefore the real merits of the issue at stake readily lend themselves to a state of confusion and marked differences of opinion. What reflects the real will of the people is the record that has heretofore been written in Congress. That record reveals that in every instance where that body has acted upon legislation dealing with submerged lands in contravention of what the Government attempted to establish by court decree, has been resolved in favor of State rights. It is a dangerous precedent to permit the Government to resort to the courts for redress in instances of this character. All this bill proposes to do is to once and for all establish certain fixed rights which heretofore have been considered as inalienable. To do otherwise we might well set the standard whereby we are treading on dangerous grounds and opening wide the doors to dictatorial, autocratic, and aggressive powers allocated to the Government which obviously never were intended to be conferred upon it by the provisions of our Constitution.

Undoubtedly we will hear much about selfish and special interests attempting to take over valuable assets and tangibles for private gain. This argument is fallacious in two respects—the present bill makes ample provisions for regulating the exploitation of submerged lands and contains specific terms whereby these lands may be explored and what remuneration is to be paid in case the State has conditionally parted with control of any submerged properties.

Secondly, the Government does not appear to be overly confident of its own position when defending against the doctrine of equity and good conscience. If this presumption is not well founded, then why does the Government throw a sop to the people in the guise of "support for education"?

Reflect for a moment upon the subtle move and ponder well the dangerous repercussions that can flow therefrom. I am not urging that it is fundamentally wrong for the Government in proper instances to give consideration to an appeal for aid to education in areas where facilities are woefully lacking for that purpose. In the instant case, however, I object strenuously to allocating funds obtained by the Government from exploiting submerged lands to sources relating to education. I oppose this move because such a gesture undoubtedly will be a step in the direction of the Government taking a hand in controlling our schools, and thereby laying the foundation for ultimately dictating what to teach and what to think.

If the States are stripped of the rights with which they apparently were invested until the highest court in the land decreed otherwise, and we here in this House fail and refuse to pass remedial legislation which would restore to the States that which they apparently have lost, namely, title to property over which they have been exercising control and dominion for many years, there is not much doubt in my mind that we are setting a dangerous pattern which momentarily or in time to come may continue to plague us in every instance where the sovereign power of the States comes in direct conflict with that of the National Government.

Mr. WALTER. Mr. Chairman, I yield 12 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, we are called upon to decide whether to adopt permanent legislation along the lines of the Walter bill, H. R. 4484, which would restore the titles of the States to the so-called tidelands and settle the matter once and for all, or to adopt the so-called interim bill by Mr. CELLER—House Joint Resolution 274—which would settle nothing but rather would confuse the issues.

First let me stress that it is absolutely necessary for Congress to adopt some kind of legislation on this subject. This may not be understood but it is an absolute fact. That legislation is necessary is admitted by the Supreme Court; it is admitted by the Department of Justice; it is admitted by the Department of the Interior; it is admitted by everyone.

Why is it necessary for Congress to act? The reason is simple. We must act because of the unusual and novel and heretofore unknown doctrine announced by the Supreme Court in the tidelands cases. Everyone in this body who is a lawyer knows that in an action involving title to real property the plaintiff must rely and recover, if at all, upon the strength of his own title and not upon any alleged weakness of the title of his adversary. If the Supreme Court had followed this simple rule of property law, we would not be faced with the dilemma we find ourselves in; but it did not do so. The Supreme Court criticized the title of the States but it did not hold that the United States had title to the subsoil of the marginal seas, which has become popularly known as the tidelands and which, for convenience, I will refer to as the tidelands. The Supreme Court only went so far as to hold that for purposes of national defense and international relationships the Federal Government has paramount rights and control over this area and the oil thereunder.

This decision of the Supreme Court is contrary to all of the previous adjudications on the question of ownership of tidelands. An early statement of the law is contained in the case of *Pollard* v. *Hagen* (3 How. 212), decided in 1844, as follows:

> First. The shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively.
>
> Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States.

The law as announced in the Pollard case was aproved subsequently by 50 decisions of the Supreme Court and by 244 decisions of State and Federal courts.

The majority opinion in the California tidelands case itself—332 United States Reports, page 19—admits that the rule announced in the Pollard case was good law, as follows:

> As previously stated this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.

Now, if the Supreme Court in 50 decisions believed and reasserted that the States owned title to the tidelands, so of course did all the States, and all the people, and all the lawyers in the United States. Accordingly, the States enjoyed, possessed and owned the tidelands for over 100 years, until the strange doctrine announced by the Supreme Court in the California, Texas, and Louisiana tidelands cases.

So completely unknown to the Anglo-American concept of property law was the pronouncement of the Supreme Court that it caught everyone by surprise; and we woke up to find out that there is no law on the books to give effect to the decision. In other words, the decree is not self-operative, and although the Federal Government is said to have paramount rights and control over the tidelands, there is no law on the books to authorize any Federal department to lease this area or to explore for and extract the oil from the earth.

So, as I said, we must decide whether to enact permanent legislation on the subject or to pass a so-called interim bill. The Walter bill would do two things—first, it would in effect carry out the Supreme Court decision by reasserting that the Federal Government has paramount rights and control over the tidelands for all constitutional purposes, including commerce, navigation, flood control, national defense, and international relationships. Then it would restore the title of the States, just like it was before the tidelands decisions.

There are some who say that the Supreme Court has spoken and Congress should not disturb its decision. The answer to that argument is quite simple. The Supreme Court was established to interpret the law, but it has no jurisdiction over matters affecting policy and wisdom of the law. The Constitution specifically provides that Congress has jurisdiction over the matter of disposition of Federal property. And in the past Congress has not hesitated to step in when the Supreme Court announced decisions contrary to congressional policy. A few years ago, Congress reversed the Supreme Court decision in the famous insurance case; and in the last Congress we had a bill to modify Federal decisions on the so-called basing-point problem.

But happily, we have a very recent precedent squarely in point. There was a similar case in Wyoming at one time. The State of Wyoming held, possessed, and enjoyed a school section of land for some 40 years, and then in 1947 the Supreme Court, from a clear, blue sky, held that Wyoming did not own the land. Valuable resources were involved, just as in the pending situation. Congress did not hesitate to pass a quitclaim bill which restored to Wyoming the section of land for simple reasons of justice, fairness, and equity. That is all we seek by the Walter bill.

Now let us take a look at the Celler so-called interim bill. The proponents of the interim bill are very frank to admit that sooner or later we must have permanent legislation on the books. They point out, however, that the President possibly would veto the Walter bill and that, therefore, we should have interim legislation for a period of 5 years. This, to my mind, would be an abject abdication of our duty as Members of the legislative branch, and I cannot subscribe to that view. We cannot, we must not cut the legislative cloth to fit the executive pattern.

Moreover, the Celler interim proposal, far from settling, would confuse the issues. Here are a few of the glaring defects in the Celler bill that would lead to confusion, uncertainty, and chaos.

The Celler bill does not clearly define inland waters as counterdistinguished from the marginal sea. This is important to every coastal State along the Pacific Ocean, the Atlantic Ocean, the Gulf of Mexico, and the Great Lakes. For instance, we cannot pin down the Department of Justice to a definite position as to the status of the Great Lakes under the tidelands decisions. Still, the Celler bill would leave title to the Great Lakes, to their shores and filled-in lands and improvements thereon hanging up in the air for at least 5 years.

I say at least 5 years, because once a so-called temporary measure is enacted there is great likelihood that it will remain on the books permanently.

The proponents of the Celler bill argue that the United States does not have or claim title to the inland waters. Yet, section 2 of the bill provides that—

> The Secretary is authorized * * * with respect to * * * tidelands or submerged lands beneath navigable inland waters within the boundaries of such State to certify that the United States does not claim any interest in such lands or in the mineral deposits within them.

If the United States does not claim title to the inland waters, what is the reason for the quoted provisions of section 2? If the Department of Justice has no intention to harass the States and their subdivisions in their possession and ownership of inland waters, why should they have to go to the Secretary of the Interior for a certificate?

Again, although the Department of Justice outwardly admits that the United States has no title to inland waters, section 3 of the Celler bill provides that:

> In the event of a controversy between the United States and a State as to whether or not lands are submerged lands beneath navigable inland waters, the Secretary is authorized * * * to negotiate and enter into agreements with the State * * * respecting operations under existing mineral leases.

If the fact that the United States does not claim title to any inland waters is an open and shut proposition, what is the necessity for the provisions of section 3?

Section 2 provides that the Secretary is authorized to certify that the United States does not claim any interest in inland waters, and section 3 provides that the Secretary is authorized to negotiate with the States on the subject. But suppose the Secretary refuses to issue a certificate, or refuses to negotiate; then what? There is nothing in the bill to compel him to do so.

It is clear that title to not only the inland lakes, including the Great Lakes, but title as well to all inland waters would be clouded and affected by the Celler bill for a period of 5 years, and perhaps permanently. This is so because far from forthrightly disclaiming title to inland waters, the Celler bill strongly implies, if it does not clearly assert, a claim thereto on the part of the United States. Under the provisions of the bill, every time a State, a county, or a municipality would want to do something about inland waters, it would have to come to Washington to beg for a "certificate" or for an audience to "negotiate" with the Secretary of the Interior on the subject.

The Celler bill is a companion to Senate Joint Resolution 20, introduced in the other body by the senior Senators from Wyoming and New Mexico. Former Senator Wheeler proposed an amendment to section 8 of the bill at the hearings before the Interior Committee in the other body. This amendment is found at the bottom of page 13 of the Celler bill, reading as follows:

> No provision of this joint resolution nor any authority granted thereby shall have application or be construed to apply with respect to any particular area or areas of the submerged lands of the Continental Shelf which may be described in any application for an oil or gas prospecting permit which was on file with the Department of the Interior 90 days prior to August 21, 1935.

It is obvious that the quoted provision would have the effect of exempting from the provisions of the bill particular areas of the Continental Shelf contained in applications for leases filed with the Department of the Interior 90 days prior to August 21, 1935. According to the testimony of Mr. William W. Clary, appearing at page 327 of the Senate hearings on Senate Joint Resolution 20, the purpose of the amendment is stated to be as follows:

> What Mr. Wheeler's amendment will do, however, is to pin-point four leases operated by Signal and Southwest, and remove them entirely from the scope of Senate Joint Resolution 20. The result would be that all leases issued by any of the States would be confirmed except four leases issued to Signal Oil & Gas Co., and Southwest Exploration Co.

And at page 314, Mr. Clary testified:

> What Mr. Wheeler's clients are trying to do is to take from the Signal and Southwest fully developed oil leases today producing 35,000 barrels of oil a day. That is what he is trying to take over, and he talks about equity. They have a filing fee and traveling expenses to Washington. That is what their equities are.

As you probably know, former Senator Burt Wheeler is a lawyer for a group of individuals who filed applications under the Mineral Leasing Act for leases affecting submerged lands leased by the States on competitive bids to bona fide oil companies and independent operators. These companies and operators have spent millions of dollars to purchase the leases from the States, to make geophysical and geological examinations, to develop the areas, and to produce the oil. Along the coast of the Gulf of Mexico alone they spent over $250,000,000, and up to now have only recovered back $20,000,000 of their investment.

If the above-quoted provision of the Celler bill is adopted, and if thereby the procedure of the Federal Mineral Leasing Act is made to apply to these areas, the clients of Mr. Wheeler and others would wipe out most of the leases previously granted by the States to oil companies who bought them in good faith.

For instance, Mr. Perlman, Solicitor General of the United States, testified before the Committee on Interior and Insular Affairs in the other body in connection with the so-called interim bill—Senate Joint Resolution 20—offered by the senior Senators from Wyoming and New Mexico. This was on February 19, 1951. In the course of examination, the Mineral Leasing Act came up for discussion, and Mr. Mastin G. White, solicitor for the Department of the Interior, was called in to the discussion. At page 35 of the hearings the junior Senator from Louisiana, Senator LONG, asked the following question to which was replied as follows:

Senator LONG. To apply that to a specific situation, let us assume that someone upon a State invitation to bid had sent a seismograph crew into the tideland areas, particularly in the offshore areas, and had discovered a very excellent prospect, and he had asked for the opportunity to bid under a State law, and had bid, let us say, $20 per acre, assuming that he had found a worthy structure.

Now after he had acquired that structure and gone to the expense of seismographing and exploring it, but before he had produced oil from it or commenced actual drilling, it would still be possible for a person applying for Federal lease, if the Federal Leasing Act were held to apply, to displace this person by a bid of 50 cents an acre for a lease, where the person under the State lease had paid $20 an acre, would it not?

Answer. That is right. The Department would issue a lease, if the Mineral Leasing Act applied, to the qualified person who filed the first application, and no bonus payment of any sort would be required, and the rental payments would be in the sums which were mentioned a moment ago, 50 cents an acre for the first year.

In order to set up a smokescreen and to confuse the public and Members of Congress, propaganda has been spread to the effect that the Walter bill would constitute a giving away of Federal property to the States.

It is well for us to inquire into the source of this propaganda. Let me demonstrate to you that at least some if not most of the grinders of this propaganda mill are more concerned about their selfish and greedy interests than they are about the national welfare and the Anglo-American concept of property rights.

The story about recent manipulations of land scripts is very interesting.

In order to compensate a heroic deed during the Revolutionary War, the Father of our Country, George Washington, recommended the issuance and there was issued to a certain individual a script entitling the holder, his heirs and assigns to claim a tract of land in the public domain. After the War of 1812 and more prominently after the Civil War, practically similar scripts were issued to soldiers in lieu of a cash bonus.

As a title lawyer, I frequently ran across patents issued in Louisiana based on these scripts, especially those awarded after the Civil War. I thought and I supposed practically everyone in the United States was under the impression that these scripts had been exhausted. But to my great surprise after the tidelands agitation, a group of alert speculators went around the country and bought some of these scripts from the heirs and assigns of the original holders. I am informed that these scripts involve some 1,900 or more acres of land; that is they entitle the holders to lay claim to approximately that number of acres of the public domain.

After corralling the scripts, the speculators thereupon "split" them up and very ingeniously "filed" for about 20 acres of land around practically every producing oil well in the marginal sea along the coast of Louisiana. In other words, by virtue of this questionable procedure, the holders of these scripts are fixing to claim ownership of about 20 acres of land around each well. If they should succeed we would wake up to find out that the oil in this part of the Continental Shelf would belong neither to the States nor to the Federal Government but to the speculators.

You will see, therefore, how important it is to separate the sheep from the goats, the wheat from the chaff, and the truth from propaganda. And this makes it doubly important for us to adopt the Walter bill.

Some people were lulled into a sense of security by the statements of Mr. Perlman to the effect that the Federal Government did not claim inland waters and would not harass property owners, port authorities, and others.

But recently they were rudely surprised. The Federal Government has filed a lawsuit in California that confirms the worst suspicions of all of us. The plaintiff in this suit is, of course, the United States, and the defendants, some 16,000 in number, live and own property along the Santa Margarita River. The purpose of this suit is apparently to broaden the paramount doctrine of the tidelands decision of the Supreme Court in order to make it applicable to inland streams as well as the offshore waters. The Santa Margarita River is a long inland stream in California, and the Government has established Camp Pendleton along its banks. Now this same Government through its bureaucratic lawyers, is seeking to establish rights to the use of the waters of the Santa Margarita River, as against the rights of the riparian owners. What this suit adds up to is that the rights of the 16,000 defendants under their title papers count for nothing, and all the rights of the United States are paramount and superior to those of the defendants because of national defense. That is, the property rights, the most sacred inheritance of the Anglo-American law are all subordinate to the rights of the Federal Government. I think it demonstrates with crystal clarity the intent of the "planners" who would divest us of our tidelands, our river waters, and our whole concept of private ownership. It is time that Americans everywhere awaken to the dangers that lie before us.

The Celler bill would perpetuate and add to the confusion and turmoil and uncertainty and chaos which were heaped upon us as a result of the Supreme Court decisions in the tidelands case. The Walter bill would solve and end the troubles once and for all; we should therefore vote down the Celler bill and approve the Walter bill.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. WALTER. I wish to call the gentleman's attention in that connection to the fact that one Robert Curtis who is promoting the Shore Line Oil Co. in a letter to a prospective customer said that the law firm of Wheeler & Wheeler has a suit pending to compel the issuance of those permits. He goes on further and says that favorable action is expected by the new Secretary, Mr. Oscar Chapman, who has stated that he intends to reinstate the applications as soon as the Louisiana and Texas tidelands cases are decided.

Mr. REED of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Miss THOMPSON].

Miss THOMPSON of Michigan. Mr. Chairman, as a member of the Judiciary Committee and a legal resident of the State of Michigan, I rise in support of H. R. 4484, known as the tidelands bill.

The great State of Michigan has a coastline of more than 2,000 miles; it has more coastline than any other State in the Union. We have no oil in our submerged lands. We develop our coastline for resort purposes, and the resort business has been one of the greatest industries in the great State of Michigan. We do not want the Federal Government to get its foot in this door.

The principal importance of this bill, of course, inures to the States of California and Texas. For more than 100 years they enjoyed the rights and privileges of their submerged lands. When the Federal Government discovered that these lands were valuable they immediately sought to get possession of them.

I hope that H. R. 4484 is passed by this House.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Montana [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman, on the basis of decisions already made by the Supreme Court, I believe that title in the submerged lands has been vested in the United States and, unless quitclaim legislation such as this is enacted, will remain so.

The Supreme Court of the United States on June 23, 1947, rendered an opinion in the case of United States against California and on June 5, 1950, rendered opinions in the cases of United States against Louisiana and United States against Texas, holding that the United States has paramount rights in, and full dominion and power over, the submerged lands of the Continental Shelf adjacent to the shores of California, Louisiana, and Texas, and stated that the respective States do not own the submerged lands of the Continental Shelf within their boundaries.

At the present time the American system of primary, secondary, and higher education faces a financial crisis of severe magnitude because of the unusually large growth in the school-age population, because of the inadequate supply of teachers, and because of the

deteriorating and infirm physical plant of the American educational system.

In my opinion the children of the United States—not oil—are this Nation's most precious natural resource and their education has from the beginnings of this Republic been traditionally held most dear by all Americans.

OIL FOR EDUCATION

The amendment I will offer to H. R. 4468—House Joint Resolution 296—in brief, provides that the Secretary of the Interior shall issue the mineral leases covering the submerged lands, and shall require the payment of royalties on such leases. The royalties are to be earmarked in the Federal Treasury for the specific purpose of grants-in-aid of education to the 48 States.

This amendment is substantially the same as the "Oil for education" amendment to be offered in the Senate by Senator LISTER HILL, of Alabama, and 10 other Senators.

These royalties are to be used, not as a substitute for the regular annual grants for aid to education now being considered by the proper committees of the two Houses, but as a supplement to whatever aid Congress may eventually authorize. I ask that this be clearly understood. For one reason, the amount of these oil royalties will vary considerably from year to year. The amount of oil taken annually from the so-called tidelands will depend upon a complex variety of world-wide economic conditions, including the availability of supply from the Middle East, the need for conservation of oil for future defense purposes, and the market demand at home and abroad for the product. There is available no satisfactory method of forecasting the future.

Since the royalties, and therefore the amount of money, available for education will vary so considerably from year to year, and because the formula for making grants-in-aid from such funds will therefore be so complex, the sponsors of this measure in the House and Senate have thought it desirable to create a 12-man Commission which we have called a National Advisory Council on Grants-in-Aid of Education. The function of this council under the terms of this amendment is to study the national educational problem, to make estimates of the minimum and maximum limits of the amount of money that may be available, to recommend how best this money can be applied to the needs of education and to report to the Congress by February 1, 1953, a plan for its equitable allocation to the 48 States.

I cannot underscore too strongly the fact that we have conceived that this Council must be a nonpolitical, nonpartisan group selected from the experienced educators of the Nation. Unless these 12 are men of great experience and irreproachable character our plan will be doomed to frustration. To safeguard its nonpolitical nature we have provided that half of the members of the Council are to be members of the Democratic Party and half are to be selected from the Republican Party. Four are to be appointed by the Speaker of this House, four by the President of the Senate, and four by the President of the United States. Two of each four must be Democrats and the other two must be Republicans. This formula was used in the Eightieth Congress for the appointment of the Hoover Commission. I think my colleagues in this House will agree that during the 2 years of its existence no breath of suspicion of partisan purpose was ever directed against it or any of its 12 members.

It is not my purpose in offering this amendment to join in this complicated and technical controversy revolving around the ownership of these offshore lands. The Supreme Court of the United States has twice determined the question in unmistakable language. The high Court has ruled that this oil, which the Geological Survey has estimated to be worth at least $40,000,000,000 at present prices, belongs to all the people of all the States. In my view the issue of ownership is no longer in controversy.

It is, however, my desire to emphasize once more to the Members of this House the crucial financial crisis which our American educational system faces. I know that it is not precisely a secret to any of my colleagues. I do, however, believe the actual bare figures will bring a new sense of shock to them as they did to me despite our mutual awareness of the crisis.

Our children, yours and mine, and those of our constituents, are the most precious asset this Nation has. They are America's greatest single natural resource. Their independence of mind, their individuality, their ability to think for themselves and to speak and act for themselves are what we hold most dear. It is their heritage as it was ours. As often as we are confronted with today's specter of Communist totalitarianism just as often do we take comfort in the ability of our young Americans to take care of themselves. They have always had this ability in the past. It is in the American tradition. But they have had it mainly because of our great system of education, a system which today is deteriorating and is in serious danger of breaking down. We have been blessed in times of international danger with the engineers, the chemists, the inventors, the technicians, the mechanics, the scientists, the military leaders who have always been imaginative and ingenious enough to protect our people.

Are we today so sure that this supply of American talent will always be available to us in the future? Ten years, 20 years from now, what kind of education can our children thank us for? Let us take a look at the record.

In 1947 the elementary-school enrollment in public and private schools was 20,300,000 children. By 1957 it is estimated that this enrollment will be 29,500,000. In this 10-year period our school-age children will have increased 50 percent.

Although there has been considerable school construction in the 5 years since the war, the school buildings going up are merely replacing obsolete and unsafe school plants. They do not even begin to touch the problem created by the increased enrollments. It has been authoritatively estimated that it would cost around $11,000,000,000 over the next 10 years to construct the classrooms to meet the needs of our growing school population.

This neglect now puts us in a serious dilemma. First the depression and then World War II brought school construction to a standstill. At the same time building costs have doubled over the past 25 years. The longer we have waited the more we must pay.

Also, just as more and more of our children reach school age, so are more and more of our teachers leaving the schools. This is just as true today as it was during World War II. The labor supply is tightening and the teachers are leaving their low-paid jobs to go into defense work. During World War II 350,000 teachers left the profession. Most of them did not return. Why? The answer was given in one paragraph from the lead editorial in Collier's for July 28, 1951:

> The average pay for elementary teachers during the past school year was less than $40 a week in 10 States, according to NEA figures. Twenty-one States paid less than $50 a week, and 37 States less than $60 a week.

There are no replacements coming up. the 1951 National Teachers Supply and Demand Study reveals that this year only 32,000 qualified elementary school teachers will graduate. That is the national supply. What is the demand? In 1951, this year, we will need 60,000 teachers merely to replace those who retire; we will need 10,000 teachers to meet the demands of increased enrollments; we will need another 10,000 teachers merely to relieve overcrowding; and we need thousands more to replace unqualified temporary teachers.

In the postwar years a very little, not much, has been done to raise teachers' salaries. But the few raises have long ago been wiped out by our spiraling inflation. Teachers' pay has not kept pace with our people's pay. In 1949 they earned 99 percent more than in 1940, yet the average employed person earned 120 percent more.

School financing is a serious local problem. As the Federal Government takes more in taxes for purposes of defense there is less for our local tax systems, which have in the past taken care of our school problems. And that is one great additional virtue of this "oil for education" amendment. It puts no additional burden whatsoever on the back of the taxpayer, since whatever grants-in-aid are made to the 48 States will not come out of his pocket but out of oil royalties.

I have summarized as briefly as I can the financial crisis in the education of America's children. We must supplement the funds for education or in a few short years our own children will be inadequately educated. Our illiteracy rates will start rising again.

In 1949 we spent approximately $5,000,000,000 for the cost of public schools, private schools, parochial schools, colleges, and universities. In that same year we spent more than

$7,000,000,000 for foreign aid and $12,000,000,000 for defense. In my opinion, the dollars for foreign aid and national defense were money wisely spent. But we did not spent enough to educate our children at home. This amendment is a method for increasing our educational facilities without spending more tax money.

Tidelands oil has been a controversial issue for the past 10 years. It has been fought out on the political platforms, in the courts, and in the Congress. I suggest to all of you that here in this oil-for-education amendment you will find a reasonable, in fact, an idealistic, compromise for both sides. In accepting this compromise we will be contributing in the most direct way possible to the future of America.

House Joint Resolution 296

Joint resolution to provide that royalties received under certain mineral leases covering submerged lands of the Continental Shelf shall be set aside in the Treasury for use as grants-in-aid of education, and for other purposes

Whereas the Supreme Court of the United States on June 23, 1947, rendered an opinion in the case of *United States* v. *California* and on June 5, 1950, rendered opinions in the cases of *United States* v. *Louisiana* and *United States* v. *Texas*, holding that the United States has paramount rights in, and full dominion and power over, the submerged lands of the Continental Shelf adjacent to the shores of California, Louisiana, and Texas, and that the respective States do not own the submerged lands of the Continental Shelf within their boundaries; and

Whereas the American system of primary, secondary, and higher education faces a financial crisis of severe magnitude because of the unusually large growth in the school-age population, because of the inadequate supply of teachers, and because of the deteriorating and infirm physical plant of the American educational system; and

Whereas the children of the United States are this Nation's most precious natural resource and their education has from the beginnings of this Republic been traditionally held most dear by all Americans: Therefore be it

Resolved, etc., That the Secretary of the Interior, under such regulations and subject to such terms and conditions as he may prescribe, is authorized to issue mineral leases covering the submerged lands of the Continental Shelf. The Secretary shall require the payment under each such lease of a royalty of not less than 12½ percent of the amount or value of the production saved, removed, or sold under such lease.

SEC. 2. All moneys received by the Secretary of the Interior from leases issued pursuant to this resolution shall be held in a special account in the Treasury during the present national emergency, and until the Congress shall otherwise provide the moneys in such special account shall be used only for such urgent developments essential to the national defense and the national security as the Congress may determine. After the termination of such national emergency the moneys in such special account shall be used exclusively as grants-in-aid of primary, secondary, and higher education.

SEC. 3. There is hereby created a National Advisory Council on Grants-in-Aid of Education (hereinafter referred to as the "Council"), to be composed of 12 persons having experience in the fields of education and public administration, 4 to be appointed by the President of the Senate, 4 by the Speaker of the House, and 4 by the President of the United States. No more than two from each group of four appointees shall be members of the same political party. It shall be the function of the Council to formulate and transmit to the President of the United States, for submission to the Congress not later than February 1, 1953, a plan for the equitable allocation of the moneys available under section 2 for use as grants-in-aid of primary, secondary, and higher education.

SEC. 4. It shall be the duty of every State or political subdivision or grantee thereof having issued any mineral lease or grant covering submerged lands of the Continental Shelf to file with the Attorney General of the United States on or before December 31, 1951, a statement of the moneys or other things of value received by such State or political subdivision or grantee from or on account of each such lease or grant since January 1, 1940, and the Attorney General shall submit the statements so received to the Congress not later than February 1, 1952.

[From the St. Petersburg (Fla.) Times of June 23, 1951]

TIDELANDS OIL FOR BETTER SCHOOLS

Once again an attempt is being made by the three big oil States of California, Texas, and Louisiana to persuade Congress to upset the Supreme Court decision that oil beneath the waters of their shores is the property of the United States.

By log rolling tactics they succeeded in getting one such law passed, but President Truman vetoed it. The President has said he will veto any similar measure again, but it is possible that right now Congress might be in the mood to override him.

In an attempt to prevent this selfish grab, Senator LISTER HILL and 10 of his colleagues have come up with a plan that goes clear back to John Quincy Adams. It was Adams who first proposed the system of land-grant colleges, although it was not until President Lincoln's administration that it was adopted.

Senator HILL's proposal is threefold:

1. The States off whose coasts oil is produced would receive 37½ percent of the royalties and other revenues collected from the oil companies;

2. Until the present emergency ends, the remaining 62½ percent would be devoted to national defense;

3. When the funds are no longer needed for defense purposes, they would be used for Federal aid to education in all the States.

Although it was overlooked in the general confusion of the MacArthur hearings, Senator HILL made an eloquent speech when he proposed this solution. In part he said:

"Every sector of American education has its back to the wall. Our school buildings are overcrowded. The grammar schools in the next 4 years will receive the largest number of children in our history.

"Our postwar babies have come of age—school age. This tidal wave of 6-year-olds will soon inundate the rickety structure of primary education, tottering under its present load. Every State in the Union needs grammar-school teachers and grammar-school buildings.

"The same is true of our high schools.

"We must not lose this opportunity. There is enough to go around if we use our assets wisely. It will do this Nation little good in meeting its problems of tomorrow if the children of Louisiana and California are well educated—from oil—when their brothers and sisters from Alabama and Oregon are not equally educated, only because they were not lucky enough to be born adjacent to the oil that belongs to the United States."

Then the Senator emphasized something with which we in Florida are especially familiar; that is, that in this era of migration from State to State no particular State can be an insulated island, "concerned only with the education of the children who live within its borders at a given moment."

A great many of the citizens of California and Texas, he pointed out, were educated in other States. Thus California and Texas have been spared the expense of educating these residents—and at the same time are directly affected by the educational standards of other States.

Many of Florida's adults have been educated elsewhere, too. Therefore, although that cost Florida nothing, it is of concern to us if these new Floridians received a poor education elsewhere.

Conversely, each year Florida spends hundreds of thousands of dollars educating the children of out-of-State visitors. Therefore, our school standards should be of concern to their home States.

The United States Geological Survey estimates that there may be $40,000,000,000 worth of oil in the offshore deposits. Since Florida has the longest coast line of any State in the Union, it is conceivable that great riches may be discovered off our shores.

Nevertheless, we believe that most Floridians would agree that Senator HILL's proposition is a fair one. We hope the Senate gives it careful consideration.

[From the Washington (D. C.) Post of June 14, 1951]

OIL AND EDUCATION

Speaking for a distinguished group of his colleagues, Senator HILL has proposed an imaginative and appealing solution for the so-called tideland oil controversy. Congress has been deadlocked as to disposal of the valuable mineral resources lying submerged off the shores of California, Texas, and Louisiana ever since the Supreme Court declared authoritatively that paramount rights and dominion in this area were vested in the Federal Government and not in the States. Legislation designed to give this rich national heritage away to the littoral States has been vetoed by the President and presumably would be vetoed, if necessary, again. Bills approved by the administration and intended to provide for the orderly Federal management of the offshore deposits have remained pigeonholed in committee. Senators HILL, DOUGLAS, MORSE, BENTON, TOBEY, NEELY, SPARKMAN, KEFAUVER, CHAVEZ, HUMPHREY, and HENNINGS have come forward, therefore, with a new approach to the problem.

Their idea, in brief, is to dedicate the revenue anticipated from the submerged oil to the long-range education of the Nation's children—all its children—and to place it in a special account for that purpose in the Federal Treasury. Temporarily, while the national emergency continues, money derived from the oil would be used only for urgent national defense purposes. In order to make wise use of the oil revenue, the Senators propose the establishment of a national advisory council on grants-in-aid of education which will recommend a program for the allocation of the funds in support of the country's schools and universities. This allocation is not intended as a substitute for but rather as a supplement to any program of Federal aid to education to be paid for out of tax revenues. The Senators' plan would indorse a provision already agreed to by the administration giving 37½ percent of all the oil revenue to the individual States adjacent to the marginal sea area from which it was produced.

The plan seems to have the virtue of solving two major problems at once. It provides a reasonable way out of the tideland impasse. And it affords a practical means of meeting the serious national crisis in education. The submerged mineral resources constitute a tremendous capital assets—estimated by Senator HILL to be worth more than $40,000,000,000—the income from which could go far toward shoring up our collapsing public-school system. Ordinarily, of

course, the dedication of Federal revenue to special purposes is poor budgetary practice. But in this situation the need and the means seem almost providentially juxtaposed. There is, moreover, an admirable precedent for the devotion of a national resource to the advancement of education. The country's great system of land-grant colleges was created through grants of public lands under the Morrill Act of 1862. The Nation has benefited immeasurably from this wise use of a national asset.

Senator HILL's proposal has the great additional virtue of dramatizing for the whole American people the meaning and the potentialities of the disputed oil off the country's coasts. What the States' rights Congressmen have been attempting to give away to three States of the Union is a national inheritance of tremendous value—an inheritance capable of nourishing the intellectual growth of the entire Nation's youth. Education is a pressing problem, a national problem. It knows no State boundaries; it cannot be solved by local or even by sectional means. It is peculiarly fitting that it should be solved by the National Government and by means of a national asset in which all Americans are entitled to share. Senator HILL and his associates have issued a challenge to the vision and statesmanship of Congress.

[From the New York Times of June 19, 1951]

UNDERSEA OIL

With a determination that would be admirable were it exercised in a better cause, the States of California, Louisiana and Texas are doggedly pursuing that pot o' gold (liquid variety) that lies beneath their marginal seas. The goal is the oil to be found seaward of the low-water mark. It constitutes a tremendous natural resource that the Supreme Court has, in effect, repeatedly ruled does not belong to the coastal States but to the Nation as a whole. Time after time legislation has been introduced in Congress to donate these offshore oil areas (misnamed tidelands) to the States, and in 1946 such a bill was actually passed and had to be vetoed by the President. But the issue has never been allowed to die. Indeed, it cannot die until some new legislation is adopted either to permit the normal private exploitation of the offshore fields to go forward under general control of the Federal Government, which we think would be the proper action of Congress, or to turn the properties over to the States.

The appropriate committees of both Houses of Congress are now considering the issues. Only a few days ago a House subcommittee favorably reported—for the *n*th time—a quitclaim measure that is just what the coastal States want. When the Attorney General of California visited the President the same day to urge the merits of this idea—for the *n*th time—Mr. Truman is reported to have said that he would again have to veto any such bill. On the Senate side, the Interior Committee last month approved in principle a measure almost equally opposed by the administration, which would provide temporary State control over the disputed areas. One method of resolving the impasse was advanced recently by a bipartisan group of Senators. While leaving the oil wells under Federal ownership, it would earmark the huge revenues to be derived from offshore oil production for the support of American education. The idea clearly has considerable appeal, and, while it may be difficult to work out, it certainly deserves further exploration. Meanwhile it is imperative that the oil lands remain where they belong, in the hands not of a few individual States but of all the United States of America.

Mr. REED of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Chairman, I rise in support of the Walter bill to restore the ownership and control of the submerged lands to the States. It is a particular pleasure for me to join in the statements made by my colleague, the gentleman from Maine [Mr. FELLOWS] and others on the floor of the House this afternoon who paid such high tribute to the gentleman from Texas [Mr. GOSSETT]. It has been a distinct honor for me as a new Member of Congress to serve on the Committee on the Judiciary, particularly so because I have had the benefit of the counsel and the inspiration that all of us on that committee enjoy from the gentleman from Texas [Mr. GOSSETT]. Like the other Members of the House, I, too, regret his leaving this body and wish his success in all future endeavors.

Most of the chief arguments have been very strongly advanced in the course of the debate this afternoon on this important legislation. The gentleman from Texas [Mr. GOSSETT], the gentleman from Pennsylvania [Mr. WALTER], the gentleman from Illinois [Mr. REED], and others supporting this bill have brought out, much better than I could, the strong reasons why this legislation should be approved. But I should like to confine my brief remarks in the course of this debate to an effort to clarify some of the facts that have been very grossly misrepresented by the newspaper and radio commentators and others who oppose this bill. There has been a tremendous amount of propaganda advanced during the past few weeks in opposition to this legislation, propaganda containing many misstatements.

Right at the outset, probably the most vicious piece of propaganda that has been used is the charge that all those who support this bill are in favor of the oil lobby and are opposed to the principle of education. So clever has been the propaganda device that we have already had legislation introduced in the Congress which would supposedly set up a Federal aid to education program if the Federal Government should own and control and take the royalties from the leases of the submerged lands throughout the country.

Actually, in my opinion, that legislation is the true oil company bill, for under House Joint Resolution 296, discussed a minute ago on the floor, the oil companies would pay a royalty of as little as 12½ percent for their leases, while under the present laws and regulations they pay anywhere from 25 to 35 percent in royalties to the States. Of course, much of that goes for education at the present time. Actually under House Joint Resolution 296, ostensibly a bill for education but which is truly the oil-company bill, the oil companies would only have to pay approximately 12½ percent to the Federal Government in royalties.

Mr. REED of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. I yield.

Mr. REED of Illinois. In connection with the propaganda concerning education, I received a telegram 2 days ago reading as follows:

> We oppose favoring a few States with tideland oil benefits and consequently support House Joint Resolution 296.

It is signed by Irving F. Pearson, executive secretary, Illinois Education Association. I replied to him as follows:

> In other words, you consider it to be morally right for the Federal Government to confiscate and take unto itself property that it has acknowledged for over 100 years as belonging to each and all of the individual States simply because three of them produce valuable income for their owners. You would sit supinely by and await the next step which will be the seizure of the inland rivers and the vast area of your own State that lies under the waters of Lake Michigan.
>
> And all because one man, not connected with the Government, but speaking in behalf of a lawyer who represents oil companies desirous of obtaining Federal leases, has suggested that revenues received from such leases should be divided up among the States for aid to education.
>
> If, by chance, the action you propose, and the hopes you dream of should become a reality, you will wake up to find that the ownership of Lake Michigan and the inland waters of your own State of Illinois will have been sacrificed and the members of your own organization shackled forever by the tentacles of Federal control of education.
>
> I am not in favor of House Joint Resolution 296, which you advocate, but I shall support H. R. 4484 which confirms the title of all the States in lands beneath the navigable waters within their boundaries, and if this bill is passed and vetoed by President Truman, I shall vote to repass it over his veto.

Mr. HILLINGS. I thank the gentleman from Illinois. I heartily concur in his remarks. I think that points up again the fact, which cannot be emphasized too much because of the confusion resulting from this propaganda, that the real oil lobbyists are opposed to the Walter bill. They have a bill of their own and that is House Joint Resolution 296.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. I yield.

Mr. HINSHAW. I think it ought to be pretty well understood by Members of the House who are not fools—and none of them are—that the oil companies do not care what the money is used for which they have to pay in royalties. But if they can get a reduction in the royalties which they now have to pay to the States, they are so much better off in their own pockets. This bill and others like it make that kind of provision in their interest.

Mr. HILLINGS. The gentleman is correct.

Mr. Chairman, it has also been charged in the course of the discussions on the Walter bill that this legislation to restore ownership in the submerged lands to the States is a gift to the States. It is no such thing; it is a bill to correct an injustice; it is a bill to restore ownership—ownership which was in each of the 48 States for over a hundred years prior to the case of United States against California, decided in 1947. That ownership was upheld and confirmed by some 53 previous decisions of the United States Supreme Court. It has also been charged that only three coastal States

are interested and involved in this legislation, and that if the Walter bill is approved only three States would benefit. Of course that is not true. It is part of the propaganda technique of divide and conquer. All 48 States have a very definite interest. All 48 States would be definitely benefited by the Walter bill because all 48 States in the Union have submerged lands. They do not necessarily all have to be on the coast. Some of the States have within their boundaries oil, kelp, coal, copper, fish, sand, gravel, and numerous other minerals—all of which they should be allowed to own and develop.

It has also been pointed out previously that in passing the Walter bill the Congress might be acting adversely to the decisions of the United States Supreme Court. But in the famous decision in United States against California the Supreme Court—and a careful reading of the decision will certainly bring this out—the Supreme Court actually requested some action by the Congress to clarify the crucial situation which exists and to clarify the question of ownership. In following that recommendation of the Supreme Court for congressional action we are living up to the recommendation made. It also should be remembered that the decision in the California case, which took away from the States and gave to the Federal Government the submerged lands, by a 4-to-3 decision, not even a majority of the members duly constituting the Supreme Court actually decided in favor of Federal ownership of the submerged lands.

There has been another argument advanced, and that is that no State has to worry about the Federal Government endeavoring to take away any of its inland waterways. The gentleman from Maine [Mr. FELLOWS] pointed out a case, which is underway in California, the so-called Fallbrook case, where the Federal Government is endeavoring to take over the ownership and control of the water in a river and the water rights underneath the river. It is doing it as the complaint filed by the Department of Justice declares under its theory and doctrine of paramount rights, the same theory that was followed by the Department of Justice in the tidelands cases.

Consequently this is certainly an extension of the power and authority the Federal Government claims it does not really want to assert toward inland waters, rivers, streams, and other natural resources within the States themselves. So the Federal Government could do the very thing the opponents of this bill say it does not want to do. The Federal Government has done it in the case of California. It can do it in any State in the Union. It would mean that any waterway of any State would certainly be subject to being seized, controlled, dominated, and owned by the Federal Government, following the theory of the tidelands case.

I hope that the Walter bill will be approved.

The CHAIRMAN. The time of the gentleman from California [Mr. HILLINGS] has expired.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. RAMSAY].

Mr. RAMSAY. Mr. Chairman, this is a bad bill, because, in the first place, it attempts to set aside decisions of the Supreme Court.

In the second place, insufficient discussion was had in the full Judiciary Committee. Young members of the committee complained they had no time to go into the issues involved. Finally, from a purely selfish standpoint, any Member from a State, other than the three most vitally effected—California, Louisiana, and Texas—who votes for the bill as reported to the House will be voting away rights of his own State in favor of those three States.

This bill places responsibility of ownership, control, and title of tidelands in individual States. These particular States want this ownership only because of the oil deposits beneath these lands. I doubt if they want the responsibility also, which goes with ownership and title—the responsibility to protect and the responsibility of negotiation. We know that oil arouses controversy. Right now the world is facing a crisis over oil in Iran.

In claiming title to lands extending out into the seas, these States are seeking, individually, title to land and mineral deposits to which a foreign government—Mexico perhaps—might also claim title.

Could the State of Texas, for instance, negotiate a treaty with Mexico; could it enforce its ownership, if Mexico moved to seize these lands? Would the State of Texas have any standing before an international tribunal set up to settle any such dispute arising? Obviously, the answer is no. Because, under our constitutional system, no State is equipped with powers that would enable it to protect and assert the dominion which this bill seeks for the separate oil-bearing States.

The Supreme Court took cognizance of this point in its three decisions on this whole question of ownership of tidelands.

Only three States are primarily concerned in this problem. Did the State of California, for instance, insist on its ownership of tidelands area when it accepted Federal funds and Federal supervision for the development of the great artificial harbor for Los Angeles?

Did the State of Texas insist it was the sole owner of tidelands when the Federal Government developed the great artificial harbor for Houston?

Has the State of Louisiana insisted on its right of ownership during the years when the Federal Government was developing the port of New Orleans; when it was building levees and so forth? Or when it was developing the intracoastal waterway?

It would seem to me that if this legislation is enacted into law, it would necessarily follow that the Federal Government would present a bill to each of these States, to cover the cost of all waterways and harbor development which has taken place in the areas covered.

The answer is an obvious negative. These States no more insisted on their rights of ownership under these circumstances, than did my own State of West Virginia insist on it right of ownership when the Army engineers developed the channels of the Ohio River, the Kanawha, and the Monongahela.

The Kanawha River lies entirely within West Virginia. The upper reaches of the Monongahela lie entirely within West Virginia. The western border of West Virginia, along which the Ohio flows, extends to the normal water level of the west bank of the river. So for many miles, this great waterway lies, legally, entirely within West Virginia.

This bill is presented as "States rights" legislation. This is an appealing argument, because everyone is for "States rights." It is like being against "sin."

Unfortunately, a vote for this bill is a vote against States rights, for it will give to three States property which the court declares has for years been the property of all the people in all 48 States. If I voted for this bill, I would be voting away property rights of the two million residents of West Virginia and of all the other millions of Americans not residing in California, Louisiana and Texas. I could not support this legislation, unless the people of West Virginia, by a referendum, had waived their rights to property, which according to the court for years has belonged, in part, to them.

Arguments by proponents of state control of marginal sea oil rights are hard to follow. Yet, they are exhausting every means available to deny the people as a whole, what the Supreme Court, three different times, has declared rightfully belongs to them.

At first, they tried to frighten the American people by the bogey of Federal invasion, although the Government's complaint and the opinion of the court, only applied to submerged land seaward of the ordinary low-water mark.

The gist of the complaints and arguments now being advanced, are that the decisions of the Court were not sweeping enough, and therefore Congress must step in and pass some such legislation as now found in H. R. 4484, and until such time as Congress does decide, the States should be allowed to administer such oil lands.

In effect, what this bill is saying is that the full dominion and power, which the Federal Government exercises over these lands now, fully confirmed by the decisions of the Court, do not carry the right of administration, but the absence of any rights of ownership gives the States full right of control and administration.

Such a policy, if adopted, either by Congress or the Interior Department, would result only in confusion compounded and a direct challenge to the authority of the Supreme Court.

Under our constitutional authority, the Supreme Court of the United States is

given sole right to settle disputes in which the United States is a party.

It is conceded by all that Congress has the constitutional right to dispose of public lands of the United States, but Congress does not have the power in the first instance, to legislate on the titles of ownership to such property. This is a judicial matter, that can only be passed upon by the courts. Particularly is this true where States are involved, and are parties to suits where the question of title is involved.

In the cases already considered by the courts involving ownership, it is immeterial that the term "paramount rights" was used to describe the interest of the Federal Government, instead of the often used "proprietary rights," "fee title," and so forth.

It is quite obvious from a fair reading and determination of the three decisions. what those rights encompassed.

In the express words of the Court:

The Federal Government—rather than the State—has paramount rights in and power over the disputed belt, with full dominion over the resources of the soil under the water, including oil.

Dominion in law means absolute ownership and also means the largest or fullest right or power over any determinate thing; also unrestricting power of disposition.

Notwithstanding the three decisions of the Supreme Court of the United States, the proposed H. R. 4484 dodges these facts and declares that "if" the Government has any claim of title, then by such bill, title is released.

"If" it has not title, why the proposed bill?

I believe this is the first time Congress has ever been called upon to enact a statute on the hypothesis of an "if." In the familiar press-conference words of the late President Roosevelt, "it is too iffy."

The bill would have Congress ignore and disregard the three decisions of our Supreme Court of the United States and declare the decisions of the State courts to be binding on Congress and the Federal Government, on all questions relative to dominion and control over the ownership of the lands beneath the seas and all navigable waters, and the sole right of control to develop and use said natural resources—meaning oil lands.

At the same time, it provides that when danger of war approaches, and the destruction of all sea-coast construction is probable, then the Federal Government will have first refusal to purchase at the prevailing market price all or any part of such oil lands and developments.

Such action on our part would reward trespassers, who, under the Supreme Court ruling, have no right or title, and grant to them control of the public domain in perpetuity, so long as oil can be extracted.

They admit rich profits. They have built up great reserves. They have made investments in other companies. Out of what? Property, of course—but property which belongs to the Government—all the people of America.

We are worrying about taxes, deficits, and debts. Why should we worry about all these when we stand by and permit holders of void oil leases to make millions, and take over Government property rights valued at an estimated 40 billions. These same people have already amassed their wealth and become rich at the expense of the public domain.

This is the issue as it appears to me. Only those leases at one time illegally granted, but where the owners can show clean hands, should be recognized and permitted to continue.

Let us remember that the Supreme Court represents all the people of the United States and is free from the influence of lobbies and pressure. On three different times, this court declared:

Once low-water mark is passed, the international domain is reached. Property rights must then be so subordinated to political rights, as in substance to coalesce and unite in the national sovereign.

In another decision, the Court declared:

The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

This is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty.

To grant this sovereignty away, if we can, would leave the Federal Government helpless to aid its people and its States in case of contests in international disputes over ownership or control.

This bill ignores the right and duty of the Supreme Court of the United States to determine title of the lands, within the 3-mile limit, and declares such title to be in the adjoining State, and without the consent of the various States, conveys millions of dollars belonging to all the States and peoples of America, to States adjoining all the lands and minerals underlying Government-owned lands, beneath navigable waters, within the boundaries of the favorite States.

If we pass this bill, we will announce to the world that Congress can and does put on the greatest "give-away programs" in the world.

You may call this tideland legislation, or whatever you please, but in reality it is a gift of oil lands owned now, and ever since the Federal Government was formed, by the United States and its people, for the sole benefit of three of the States of the Union.

Mr. Chairman, I include brief digests of the three decisions already rendered by the United States Supreme Court:

CALIFORNIA

That the original boundaries of the States, as designated by the grant from the crown of England to the 13 colonies, gave them title to all lands within their boundaries by prescription because of the equal footing rule, under navigable waters to a 3-mile belt in adjacent seas, and that California should be adjudged to have title under the doctrine of prescription, because of long congressional acquiesence and laches.

On the merits of the case, the court held, first, that California only had title to such lands as is or may become necessary as an incident to State sovereignty, contemplated by the equal footing clause. However, we cannot say that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt or the soil under it, even if they did acquire elements of the sovereignty of the English crown by this revolution against it. Under the political agencies of this Nation, we both claim and exercise broad dominion and control over our 3-mile marginal belt. This has long been a settled fact.

Jefferson made this claim in a letter to the British minister in 1793. Our Supreme Court declares in *Jones* v. *United States* (137 U. S. 202):

That the national dominion over the 3-mile belt is binding on this Court, and protection and control of it has been and is a function of national external sovereignty.

And the Court, in the California case, cautioned:

The very oil about which the State and the Nation here contend might well become the subject of international dispute and settlement.

TEXAS

Texas asserts that as an independent nation, the Republic of Texas had open, adverse, and exclusive jurisdiction and control over the land, minerals, and so forth, underlying that part of the Gulf of Mexico within her boundaries established at three marine leagues from shore; that after annexation to the United States, these claims were recognized and preserved in Texas; that the United States has recognized and acquiesced in this claim; and that under the doctrine of prescription, title and ownership are still in the State of Texas.

DECISION OF THE UNITED STATES SUPREME COURT

When Texas came into the union, she ceased to be an independent nation. She became a sister State on an equal footing with all other States. That act concededly entailed a relinquishment of some of her sovereignty. We hold that, as an incident to the transfer of that sovereignty, any claim that Texas may have had to the marginal sea, was relinquished to the United States. We stated the reasons for this in *United States* v. *California*:

"The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interest of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the Nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt, will most naturally be appropriated for its use. But whatever any nation does in the open sea, which detracts from its common usefulness to nations, or which another nation may charge detracts from it, is a question for consideration among nations as such, and not their separate governmental units. What this government does, or even what the States do, anywhere in the ocean, is a subject upon which the Nation may enter into and assume treaty or similar international obligations. (See *United States* v. *Belmont* (301 U. S. 324, 331–332).)

"The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

"And so, although dominion and imperium are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty."

LOUISIANA

Contrary to the claims of California and Texas, Louisiana admits that the United States has paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico adjacent to the coast of Louisiana to the extent of all governmental powers existing under the Constitution, laws, and treaties of the United States. But that the United States is not authorized to use the bed of the Gulf of Mexico for the purpose of searching for and producing oil, since Congress has not adopted any law which asserts such Federal authority over the bed of the Gulf of Mexico.

DECISION OF THE UNITED STATES SUPREME COURT

We think that *United States* v. *California* (332 U. S. 19) controls this case and that there must be a decree for the complainant. The question here is not the authority of the United States. The question is not the power of a State to use the marginal sea or to regulate its use in absence of a conflicting policy; it is the power of a State to deny the paramount authority which the United States seeks to assert over the area in question.

There is one difference, however, between Louisiana's claim and California's. The latter claimed rights in the 3-mile belt. Louisiana claims rights 24 miles seaward of the 3-mile belt. We need only note briefly this difference.

If, as we held in California's case, the 3-mile belt is in the domain of the Nation rather than the separate States, it follows a fortiori that the ocean beyond that limit also is.

Mr. REED of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. WERDEL].

Mr. WERDEL. Mr. Chairman, in these few minutes I would like to recall some things to the attention of the House. Certainly our Supreme Court is in our opinion and in the opinion of the drafters of cur Constitution governed by the doctrine of stare decisis. That is the doctrine of following the rules and principles of previous judicial decisions unless they contravene the ordinary principles of justice.

I want to point out to the House while it is considering this bill that after our late President Roosevelt attempted to pack the United States Supreme Court, a gentleman stood up on the floor of the Senate and said, as a Member of the other body, that he did not believe the United States Supreme Court should be governed by the doctrine of stare decisis in constitutional matters. That, Mr. Chairman, was the present Mr. Justice Black. That, Mr. Chairman, is the man who wrote the California decision against the State of California.

I also direct the Committee's attention to the fact that another member of the United States Supreme Court, Mr. Justice Douglas, recently wrote an article in the Harvard Law Review in which he set forth his reasons why the United States Supreme Court should not be governed by the doctrine of stare decisis. Mr. Justice Douglas wrote the decision in Louisiana against United States and he also wrote the decision in Texas against United States.

Mr. Chairman, if the gentleman up here on our left, Mr. Mason, were here today, he would report again the 10 amendments to the Constitution which he argued for before Virginia would confirm the United States Constitution. He would tell us in very certain language that this act by the United States Supreme Court is not according to the rules of procedure under our Constitution. It amounts to an assertion by those who appointed this Court in an effort to pack it that there is another way to amend the Constitution of the United States and that is by redefinition of the words and phrases of the United States Constitution through that Supreme Court.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Virginia, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H. R. 4484) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, to provide for the use and control of said lands and resources, and to provide for the use, control, exploration, development, and conservation of certain resources of the Continental Shelf lying outside of State boundaries, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, anounced that the Senate agrees to the amendments of the House Nos. 1 and 2 to Senate Joint Resolution 82, entitled "Joint resolution to amend title 28 of the United States Code so as to add thereto a chapter relating to procedure in condemnation proceedings"; disagrees to House amendment No. 3 to the above-entitled joint resolution; and agrees to the amendment to the title of the above-entitled joint resolution with an amendment as follows:

In lieu of the language contained in the House amendment, insert the following: "Joint resolution providing that the amendments to the Rules of Civil Procedures for the United States district courts reported to the Congress by the Supreme Court on May 1, 1951, shall not become effective."

The message also announced that the Senate insists upon its amendment to the bill (H. R. 1103) entitled "An act for the relief of Sidney Young Hughes"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCARRAN, Mr. EASTLAND, and Mr. JENNER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2321) entitled "An act to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs."

SUBMERGED LANDS ACT

Mr. WILSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include four documents.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WILSON of Texas. Mr. Speaker, as a part of my remarks, I include the following documents:

CONFIRMATION OF AGREEMENT AND FORMAL ACT OF ADMISSION

JOINT RESOLUTION OF THE CONGRESS OF THE UNITED STATES, DECEMBER 29, 1845, TWENTY-NINTH CONGRESS, FIRST SESSION, NINTH STATUTE, PAGE 108

Joint resolution for the admission of the State of Texas into the Union

Whereas the Congress of the United States, by a joint resolution approved March 1, 1845, did consent that the territory properly included within, and rightfully belonging to the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and

Whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution and erect a new State, with a republican form of government, and in the name of the people of Texas, and by their authority, did ordain and declare, that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution; and

Whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore

Resolved, etc., That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the Original States, in all respect whatever.

ASSENT BY THE PEOPLE OF TEXAS

ORDINANCE OF THE CONVENTION OF TEXAS, JULY 4, 1845 (2 GAMMEL'S LAWS OF TEXAS 1228)

An ordinance

Whereas the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March one thousand eight hundred and forty-five; and whereas the President of the United States has submitted to Texas the

first and second sections of the said resolution, as the basis upon which Texas may be admitted as one of the States of the said Union; and whereas the existing Government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows:

(Quoted here was all of the joint resolution of the Congress of the United States of March 1, 1945, except par. 3.)

Now in order to manifest the assent of the people of this Republic as required in the above-recited portions of the said resolutions, we, the deputies of the people of Texas in convention assembled, in their name and by their authority, do ordain and declare, that we assent to, and accept the proposals, conditions and guarantees contained in the first and second sections of the resolution of the Congress of the United States aforesaid.

ACCEPTANCE BY THE CONGRESS OF TEXAS

JOINT RESOLUTION OF THE CONGRESS OF TEXAS, JUNE 23, 1845 (2 GAMMEL'S LAWS OF TEXAS 1225)

Joint resolution giving the consent of the existing Government to the annexation of Texas to the United States

Whereas the Government of the United States hath proposed the following terms, guaranties, and conditions, on which the people and Territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit: (Quoted here was all of the joint resolution of the Congress of the United States of March 1, 1845, except paragraph 3.) And whereas, by said terms, the consent of the existing government of Texas is required: Therefore be it

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Government of Texas doth consent, that the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of said Republic, by deputies in convention assembled, in order that the same may be admitted as one of the States of the American Union; and said consent is given on the terms, guaranties, and conditions set forth in the preamble to this joint resolution.

SEC. 2. *Be it further resolved,* That the proclamation of the president of the Republic of Texas, bearing date May 5, 1845, and the election of deputies to sit in convention, at Austin, on the fourth day of July next, for the adoption of a constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing government of Texas.

SEC. 3. *Be it further resolved,* That the president of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited minister near this government, with a copy of this joint resolution; also to furnish the convention to assemble at Austin on the fourth of July next, a copy of the same. And the same shall take effect from and after its passage.

TEXAS ANNEXATION AGREEMENT PROPOSAL BY THE UNITED STATES

JOINT RESOLUTION OF THE CONGRESS OF THE UNITED STATES, MARCH 1, 1845, TWENTY-EIGHTH CONGRESS, SECOND SESSION (5 STAT. 797)

Joint resolution for annexing Texas to the United States

Resolved, etc., That Congress doth consent that the territory properly included within, and rightfully belonging to the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guaranties, to wit: First, said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the Constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the 1st day of January 1846. Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, new States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri Compromise line, slavery, or involuntary servitude (except for crime) shall be prohibited.

3. *And be it further resolved,* That if the President of the United States shall in his judgment and discretion deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic: Then be it

Resolved, that a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan Territory to the United States shall be agreed upon by the Government of Texas and the United States. And that sum of $100,000 be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct.[1]

ADJOURNMENT UNTIL MONDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROGRAM FOR NEXT WEEK

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, may I ask the majority leader if he can give us the schedule for the coming week?

Mr. McCORMACK. I will be very glad to do so.

On Monday we will take up the conference report on the Defense Production Act, a continuing resolution on temporary appropriations for 1952, after which the present bill will be further considered.

For the remainder of the week, beginning on Tuesday, there will be the District of Columbia hospital facilities bill, H. R. 2094.

Mr. BROWN of Ohio. Is that the measure for which a unanimous consent request was granted previously?

Mr. McCORMACK. Yes. Mr. Speaker, I ask unanimous consent that it may be in order for the House to consider at any time next week the bill H. R. 2094, the District of Columbia hospital facilities bill, under the general rules of the House, with general debate limited to not more than one hour, to be controlled in accordance with the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from Massachusets.

Mrs. ROGERS of Massachusetts. Will there be any roll call on Monday?

Mr. McCORMACK. Oh, yes.

H. R. 3298, to amend the Federal Food and Drug Act.

House Joint Resolution 323, investigations, from the Committee on Interstate and Foreign Commerce.

H. R. 1227 relating to experimental submarines.

H. R. 1180 relating to research and development, armed services.

Mr. BROWN of Ohio. That is the bill that carries some $5,500,000,000 authorization, is it not?

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[1] The alternative plan contained in section 3 was discarded by the President of the United States and formed no part of the annexation negotiations or agreement (4 Miller Treaties and Other International Acts of the United States (Department of State, 1934), 706–708).

Mr. McCORMACK. Yes, that is my understanding.

H. R. 4550, Mutual Defense Assistance Control Act of 1951, if a rule is adopted.

Any further program or any changes will be announced later. Conference reports, of course, are in order at any time.

Mr. BROWN of Ohio. May I inquire if H. R. 4550, the Mutual Defense Assistance Control Act of 1951, is the big bill?

Mr. McCORMACK. No. This is the Battle bill and has relationship to the Kem amendment.

Mr. BROWN of Ohio. I thank the gentleman.

THE LATE ADMIRAL FORREST P. SHERMAN

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I missed the opportunity to vote in favor of the rule to consider the so-called tidelands bill because I was privileged to attend the funeral of Admiral Forrest P. Sherman.

I could not help but feel at that funeral the great pride that Mr. and Mrs. Sherman would have felt could they have seen the tribute paid to their son, Admiral Forrest Sherman, former Chief of Naval Operations, the pride they must have felt that they had four sons they gave to the service of their country, two to the Navy and two to the Army. I had the pleasant duty of representing Melrose as a Member of Congress for 10 years and Mr. Sherman, an outstanding citizen of that city was always a help and inspiration.

Admiral Sherman will be remembered always for his great service at this critical period. One very close to him told me that it was not the work that killed him but the anxiety of these times and his fear of communism.

FUR PRODUCTS LABELING ACT

Mr. O'HARA submitted the following conference report and statement on the bill (H. R. 2321) to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs:

CONFERENCE REPORT (H. REPT. No. 769)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2321) to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this act may be cited as the 'Fur Products Labeling Act.'

"SEC. 2. As used in this act—

"(a) The term 'person' means an individual, partnership, corporation, association, business trust, or any organized group of any of the foregoing.

"(b) The term 'fur' means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins as are to be converted into leather or which in processing shall have the hair, fleece, or fur fiber completely removed.

"(c) The term 'used fur' means fur in any form which has been worn or used by an ultimate consumer.

"(d) The term 'fur product' means any article of wearing apparel made in whole or in part of fur or used fur; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained therein.

"(e) The term 'waste fur' means the ears, throats, or scrap pieces which have been severed from the animal pelt, and shall include mats or plates made therefrom.

"(f) The term 'invoice' means a written account, memorandum, list, or catalog, which is issued in connection with any commercial dealing in fur products or furs, and describes the particulars of any fur products or furs, transported or delivered to a purchaser, consignee, factor, bailee, correspondent, or agent, or any other person who is engaged in dealing commercially in fur products or furs.

"(g) The term 'Commission' means the Federal Trade Commission.

"(h) The term 'Federal Trade Commission Act' means the Act entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes', approved September 26, 1914, as amended.

"(i) The term 'Fur Products Name Guide' means the register issued by the Commission pursuant to section 7 of this Act.

"(j) The term 'commerce' means commerce between any State, Territory, or possession of the United States, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

"(k) The term 'United States' means the several States, the District of Columbia, and the Territories and possessions of the United States.

"MISBRANDING, FALSE ADVERTISING, AND INVOICING DECLARED UNLAWFUL

"SEC. 3. (a) The introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product which is misbranded or falsely or deceptively advertised or invoiced, within the meaning of this Act or the rules and regulations prescribed under section 8 (b), is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(b) The manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, and which is misbranded or falsely or deceptively advertised or invoiced, within the meaning of this Act or the rules and regulations prescribed under section 8 (b), is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(c) The introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur which is falsely or deceptively advertised or falsely or deceptively invoiced, within the meaning of this Act or the rules and regulations prescribed under section 8 (b), is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(d) Except as provided in subsection (e) of this section, it shall be unlawful to remove or mutilate, or cause or participate in the removal or mutilation of, prior to the time any fur product is sold and delivered to the ultimate consumer, any label required by this Act to be affixed to such fur product, and any person violating this subsection is guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(e) Any person introducing, selling, advertising, or offering for sale, in commerce, or processing for commerce, a fur product, or any person selling, advertising, offering for sale or processing a fur product which has been shipped and received in commerce, may substitute for the label affixed to such product pursuant to section 4 of this Act, a label conforming to the requirements of such section, and such label may show in lieu of the name or other identification shown pursuant to section 4 (2) (E) on the label so removed, the name or other identification of the person making the substitution. Any person substituting a label shall keep such records as will show the information set forth on the label that he removed and the name or names of the person or persons from whom such fur product was received, and shall preserve such records for at least three years. Neglect or refusal to maintain and preserve such records is unlawful, and any person who shall fail to maintain and preserve such records shall forfeit to the United States the sum of $100 for each day of such failure which shall accrue to the United States and be recoverable by a civil action. Any person substituting a label who shall fail to keep and preserve such records, or who shall by such substitution misbrand a fur product, shall be guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce under the Federal Trade Commission Act.

"(f) Subsections (a), (b), and (c) of this section shall not apply to any common carrier, contract carrier or freight forwarder in respect of a fur product or fur shipped, transported, or delivered for shipment in commerce in the ordinary course of business.

"MISBRANDED FUR PRODUCTS

"SEC. 4. For the purposes of this Act, a fur product shall be considered to be misbranded—

"(1) if it is falsely or deceptively labeled or otherwise falsely or deceptively identified, or if the label contains any form of misrepresentation or deception, directly or by implication, with respect to such fur product;

"(2) if there is not affixed to the fur product a label showing in words and figures plainly legible—

"(A) the name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur, and such qualifying statement as may be required pursuant to section 7 (c) of this Act;

"(B) that the fur product contains or is composed of used fur, when such is the fact;

"(C) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

"(D) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

"(E) the name, or other identification issued and registered by the Commission, of one or more of the persons who manufacture such fur product for introduction into commerce, introduce it into commerce, sell it in commerce, advertise or offer it for sale in commerce, or transport or distribute it in commerce;

"(F) the name of the country of origin of any imported furs used in the fur product;

"(3) if the label required by paragraph (2) (A) of this section sets forth the name or names of any animal or animals other than the name or names provided for in such paragraph.

"FALSE ADVERTISING AND INVOICING OF FUR PRODUCTS AND FURS

"SEC. 5. (a) For the purposes of this Act, a fur product or fur shall be considered to be falsely or deceptively advertised if any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist directly or indirectly in the sale or offering for sale of such fur product or fur—

"(1) does not show the name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur, and such qualifying statement as may be required pursuant to section 7 (c) of this Act;

"(2) does not show that the fur is used fur or that the fur product contains used fur, when such is the fact;

"(3) does not show that the fur product or fur is bleached, dyed, or otherwise artificially colored fur when such is the fact;

"(4) does not show that the fur product is composed in whole or in substantial part of paws, tail, bellies, or waste fur, when such is the fact;

"(5) contains the name or names of any animal or animals other than the name or names specified in paragraph (1) of this subsection, or contains any form of misrepresentation or deception, directly or by implication, with respect to such fur product or fur;

"(6) does not show the name of the country of origin of any imported furs or those contained in a fur product.

"(b) For the purposes of this Act, a fur product or fur shall be considered to be falsely or deceptively invoiced—

"(1) if such fur product or fur is not invoiced to show—

"(A) the name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur, and such qualifying statement as may be required pursuant to section 7 (c) of this Act;

"(B) that the fur product contains or is composed of used fur, when such is the fact;

"(C) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

"(D) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

"(E) the name and address of the person issuing such invoice;

"(F) the name of the country of origin of any imported furs or those contained in a fur product;

"(2) if such invoice contains the name or names of any animal or animals other than the name or names specified in paragraph (1) (A) of this subsection, or contains any form of misrepresentation or deception, directly or by implication, with respect to such fur product or fur.

"EXCLUSION OF MISBRANDED OR FALSELY INVOICED FUR PRODUCTS OR FURS

"SEC. 6. (a) Fur products imported into the United States shall be labeled so as not to be misbranded within the meaning of section 4 of this act; and all invoices of fur products and furs required under title IV of the Tariff Act of 1930, as amended, shall set forth, in addition to the matters therein specified, information conforming with the requirements of section 5 (b) of this Act, which information shall be included in the invoices prior to their certification under the Tariff Act of 1930, as amended.

"(b) The falsification of, or failure to set forth, said information in said invoices, or the falsification or perjury of the consignee's declaration provided for in the Tariff Act of 1930, as amended, insofar as it relates to said information, shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or fails to set forth, said information in said invoices, or who falsifies or perjures said consignee's declaration insofar as it relates to said information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any fur products or furs into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said fur products and furs, and any duty thereon, conditioned upon compliance with the provisions of this section.

"(c) A verified statement from the manufacturer, producer, or dealer in, imported fur products and furs showing information required under the provisions of this Act may be required under regulations prescribed by the Secretary of the Treasury.

"NAME GUIDE FOR FUR PRODUCTS

"SEC. 7. (a) The Commission shall, with the assistance and cooperation of the Department of Agriculture and the Department of the Interior, within six months after the date of the enactment of this Act, issue, after holding public hearings, a register setting forth the names of hair, fleece, and fur-bearing animals, which shall be known as the Fur Products Name Guide. The names used shall be the true English names for the animals in question, or in the absence of a true English name for an animal, the name by which such animal can be properly identified in the United States.

"(b) The Commission may, from time to time, with the assistance and cooperation of the Department of Agriculture and Department of the Interior, after holding public hearings, add to or delete from such register the name of any hair, fleece, or fur-bearing animal.

"(c) If the name of an animal (as set forth in the Fur Products Name Guide) connotes a geographical origin or significance other than the true country or place of origin of such animal, the Commission may require whenever such name is used in setting forth the information required by this Act, such qualifying statement as it may deem necessary to prevent confusion or deception.

"ENFORCEMENT OF THE ACT

"SEC. 8. (a) (1) Except as otherwise specifically provided in this Act, sections 3, 6, and 10 (b) of this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

"(2) The Commission is authorized and directed to prevent any person from violating the provisions of sections 3, 6, and 10 (b) of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating any provision of section 3, 6, or 10 (b) of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

"(b) The Commission is authorized and directed to prescribe rules and regulations governing the manner and form of disclosing information required by this Act, and such further rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act.

"(c) The Commission is authorized (1) to cause inspections, analyses, tests, and examinations to be made of any fur product or fur subject to this Act; and (2) to cooperate, on matters related to the purposes of this Act, with any department or agency of the Government; with any State, Territory, or possession, or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

"(d) (1) Every manufacturer or dealer in fur products or furs shall maintain proper records showing the information required by this Act with respect to all fur products or furs handled by him, and shall preserve such records for at least three years.

"(2) The neglect or refusal to maintain and preserve such records is unlawful, and any such manufacturer or dealer who neglects or refuses to maintain and preserve such records shall forfeit to the United States the sum of $100 for each day of such failure which shall accrue to the United States and be recoverable by a civil action.

"CONDEMNATION AND INJUNCTION PROCEEDINGS

"SEC. 9. (a) (1) Any fur product or fur shall be liable to be proceeded against in the district court of the United States for the district in which found, and to be seized for confiscation by process of libel for condemnation, if the Commission has reasonable cause to believe such fur product or fur is being manufactured or held for shipment, or shipped, or held for sale or exchange after shipment, in commerce, in violation of the provisions of this Act, and if after notice from the Commission the provisions of this Act with respect to such fur product or fur are not shown to be complied with. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty, and may be brought by the Commission.

"(2) If such fur products or furs are condemned by the court, they shall be disposed of, in the discretion of the court, by destruction, by sale, by delivery to the owner or claimant thereof upon payment of legal costs charges and upon execution of good and sufficient bond to the effect that such fur or fur products will not be disposed of until properly marked, advertised, and invoiced as required under the provisions of this Act; or by such charitable disposition as the court may deem proper. If such furs or fur products are disposed of by sale, the proceeds, less legal costs and charges, shall be paid into the Treasury of the United States as miscellaneous receipts.

"(b) Whenever the Commission has reason to believe that—

"(1) any person is violating, or is about to violate, section 3, 6, or 10 (b) of this Act; and

"(2) it would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint dismissed by the Commission or set aside by the court on review, or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act,

the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

"GUARANTY

"SEC. 10. (a) No person shall be guilty under section 3 if he establishes a guaranty received in good faith signed by and containing the name and address of the person residing in the United States by whom the fur product or fur guaranteed was manufactured or from whom it was received, that said fur product is not misbranded or that

said fur product or fur is not falsely advertised or invoiced under the provisions of this Act. Such guaranty shall be either (1) a separate guaranty specifically designating the fur product or fur guaranteed, in which case it may be on the invoice or other paper relating to such fur product or fur; or (2) a continuing guaranty filed with the Commission applicable to any fur product or fur handled by a guarantor, in such form as the Commission by rules and regulations may prescribe.

"(b) It shall be unlawful for any person to furnish, with respect to any fur product or fur, a false guaranty (except a person relying upon a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the fur product or fur guaranteed was manufactured or from whom it was received) with reason to believe the fur product or fur falsely guaranteed may be introduced, sold, transported, or distributed in commerce, and any person who violates the provisions of this subsection is guilty of an unfair method of competition, and an unfair or deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

"CRIMINAL PENALTY

"SEC. 11. (a) Any person who willfully violates section 3, 6, or 10 (b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $5,000, or be imprisoned not more than one year, or both, in the discretion of the court.

"(b) Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

"APPLICATION OF EXISTING LAWS

"SEC. 12. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of Congress.

"SEPARABILITY OF PROVISIONS

"SEC. 13. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

"EFFECTIVE DATE

"SEC. 14. This Act, except section 7, shall take effect one year after the date of its enactment."

And the Senate agree to the same.

LINDLEY BECKWORTH,
J. PERCY PRIEST,
OREN HARRIS,
CHAS. A. WOLVERTON,
JOS. P. O'HARA,
Managers on the Part of the House.

ED. C. JOHNSON,
ERNEST W. MCFARLAND J.,
WARREN G. MAGNUSON J.,
OWEN BREWSTER,
HOMER E. CAPEHART,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2321) to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted an amendment in the nature of a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

While the Senate amendment was a complete substitute for the House bill the actual differences were few.

The following statement explains those provisions of the substitute agreed to in conference which differ from the bill as it passed the House:

AUTHORITY TO SUBSTITUTE LABEL

Section 4 of the bill as it passed the House privided that a fur product should be considered to be misbranded unless there was affixed thereto a label giving certain specified information. Among the information required to be given was the name, or other identification issued and registered by the Federal Trade Commission, of one or more of the persons who manufacture the fur product for introduction into interstate commerce, introduce it into interstate commerce, sell it in interstate commerce, advertise or offer it for sale in interstate commerce, or transport or distribute it in interstate commerce.

Section 3 of the House bill prohibited the removal or mutilation of any such label, except that it was provided that any person introducing, selling, advertising, or offering for sale, in interstate commerce, or processing for interstate commerce, a fur product could substitute for the label affixed to the product a label conforming to the requirements of section 4, showing, in lieu of the name or other identification shown pursuant to section 4, the name or other identification of the person making the substitution. It was provided that any person making such a substitution should keep records showing the information on the label removed and the name of the person from whom the fur product was received.

The provisions of the Senate amendment were the same as those of the House bill, except that the privilege of label substitution was also given to an additional class of persons, that is, any person selling, advertising, or processing a fur product after the interstate movement had been completed.

The conference substitute, in section 3 (e), includes this feature from the Senate amendment, but in the interest of effective enforcement it is provided (1) that records as to substitution of labels shall be preserved for 3 years; (2) that any person failing to keep the required records shall forfeit to the United States $100 for each day of such failure, such penalty to be recoverable in a civil action; and (3) that failure to keep such records, or substitution of a label in such manner as to misbrand the fur product, shall constitute an unfair method of competition, and an unfair or deceptive act or practice, under the Federal Trade Commission Act.

COUNTRY OF ORIGIN

Both the House bill and the Senate amendment provided that fur products shall be considered to be misbranded, and that furs or fur products shall be considered to be falsely or deceptively advertised or invoiced, unless certain specified information is shown in the labeling, advertising, or invoice. However, the Senate amendment contained requirements, not contained in the House bill, that the label, advertisement, or invoice show the name of the country of origin of any imported furs used in a fur product and that the advertisement or invoice show the name of the country of origin in the case of any imported fur. These requirements which were contained in the Senate amendment are included in sections 4 and 5 of the conference substitute.

LINDLEY BECKWORTH,
J. PERCY PRIEST,
OREN HARRIS,
CHAS. W. WOLVERTON,
JOS. P. O'HARA,
Managers on the Part of the House.

Mr. O'HARA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill H. R. 2321.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. O'HARA. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

Mr. MCCORMACK. Reserving the right to object, Mr. Speaker, and, of course, I shall not, for the gentleman has discussed this with me, may I ask if this is a unanimous report of the conferees?

Mr. O'HARA. It is a unanimous report of the 10 conferees, 5 on the part of the other body and 5 on the part of the House.

Mr. MCCORMACK. I withdraw my reservation of the right to object, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1951

Mr. SPENCE submitted a conference report and statement on the bill (S. 1717) to amend and extend the Defense Production Act of 1950 and the Housing and Rent Act of 1947, as amended, and for other purposes.

EXTENSION OF REMARKS

By unanimous consent permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks, was granted as follows:

Mr. CARNAHAN in two instances and to include extraneous matter.

Mr. GRAHAM to revise and extend his remarks made today and to include extraneous matter.

Mr. BYRNE of New York and to include a letter from a veteran.

Mr. REED of New York and to include extraneous matter.

Mr. HOFFMAN of Michigan and to include extraneous matter.

Mr. BEALL and to include an address delivered by Hon. JAMES P. S. DEVEREUX.

Mr. VINSON and to include a report by Mr. BROOKS.

Mr. FALLON and to include a joint resolution.

Mr. DOYLE to extend the remarks he made in the Committee of the Whole and include appropriate extraneous material.

Mr. HINSHAW and to include certain extraneous matter with his remarks to be made in Committee of the Whole.

Mr. MILLER of California (at the request of Mr. PRIEST) in two instances and to include extraneous matter.

Mr. RIVERS (at the request of Mr. PRIEST) and to include an address by Mr. Robert Ramspeck.

Mr. BARING (at the request of Mr. ROGERS of Colorado) and to include a letter.

Mr. MCGUIRE (at the request of Mr. ROONEY) and to include resolutions adopted by the Disabled Veterans of America.

Mr. ROONEY in two instances and to include in one a letter addressed to him by Assistant Secretary of State Edward W. Barrett and the enclosures attached thereto, and in the other an article appearing in the Washington Daily News relating to the Voice of America.

Mr. MANSFIELD to revise and extend the remarks he made in Committee and include a copy of House Joint Resolution 296 and three newspaper articles.

Miss THOMPSON of Michigan and to include an article appearing in the Michigan Potato Growers News.

Mr. GOODWIN and to include the order of services at the funeral of Admiral Forrest P. Sherman at Arlington Cemetery this afternoon.

Mr. D'EWART (at the request of Mr. KEATING).

Mr. KEATING and to include extraneous matter.

Mr. SHEEHAN (at the request of Mr. REED of Illinois) and to include a newspaper article.

Mr. POULSON (at the request of Mr. HILLINGS) to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POULSON (at the request of Mr. ENGLE) for 2 weeks beginning July 31, 1951, on account of official business of the Irrigation and Reclamation subcommittee.

Mr. HUGH D. SCOTT, JR. (at the request of Mr. GRAHAM) until September 15, 1951, on account of official Government business.

Mr. LANE, for 1 day, July 30, 1951, on account of death in family.

Mr. MCDONOUGH (at the request of Mr. POULSON), for an indefinite period, on account of illness.

Mr. CAMP, for four legislative days, on account of official business.

Mr. GOLDEN, from July 30 to and including August 6, 1951, on account of Kentucky primary elections and select nominees for all State and district offices.

ADJOURNMENT

Mrs. KEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p. m.), under its previous order, the House adjourned until Monday, July 30, 1951, at 12 o'clock noon.

COMMITTEE EMPLOYEES

JUNE 29, 1951.

COMMITTEE ON AGRICULTURE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds auth rized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Joseph O. Parker	Attorney	$5,422.98
John J. Heimburger	Research specialist	5,422.98
Mabel C. Downey	Clerk	5,422.98
Altavene Clark	Executive officer	5,422.98
Alice Baker	Staff assistant	2,627.52
Lydia Vacin	do	2,627.52
Lorraine Greenbaum	do	2,207.52
Betty Prezioso	do	2,015.58

Funds authorized or appropriated for committee expenditures $50,000.00
Amount of expenditures previously reported
Amount expended from Jan. 1 to June 30, 1951 5,635.03

Balance unexpended as of June 30, 1951 44,364.97

HAROLD D. COOLEY,
Chairman.

JUNE 30, 1951.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bryce N. Harlow	Chief clerk	$5,422.98
James A. Deakins	Assistant clerk	2,555.15
John R. Blandford	Professional staff	5,422.98
Charles F. Ducander	do	5,422.98
Robert W. Smart	do	5,422.98
Rosemary Curry	Secretary	2,555.15
Gladys Flanagan	do	2,555.15
Olga K. Greene	do	2,555.15
Agnes H. Johnston	Secretary to the committee.	2,786.89
Berniece Kalinowski	Secretary	2,555.15
John J. Courtney	Investigating counsel (Feb. 12 to June 30).	4,187.75
Richard W. Webb	Assistant investigating counsel (Mar. 1 to June 30).	2,369.68
Mary E. Morrell	Secretary to investigating counsel (Feb. 14 to June 30).[1]	1,944.70

[1] Investigating counsel pursuant to H. Res. 38 and H. Res. 114.

Funds authorized or appropriated for committee expenditures $50,000.00
Amount expended from Feb. 12 to June 30, 1951 9,624.97

Balance unexpended as of June 30, 1951 40,375.03

CARL VINSON,
Chairman.

JULY 14, 1951.

COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Orman S. Fink	Professional staff	$4,758.60
John E. Barriere	do	4,374.96
William J. Hallahan	Clerk	5,422.98
Elsie J. Gould	Assistant clerk	3,721.74
Margaret P. Battle	Stenographer	2,598.60
Helen E. Long	Assistant clerk	2,598.60

Funds authorized or appropriated for committee expenditures: None.

BRENT SPENCE,
Chairman.

JULY 3, 1951.

COMMITTEE ON THE DISTRICT OF COLUMBIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
W. N. McLeod, Jr.	Clerk	$5,422.26
Wendell E. Cable	Minority clerk	3,859.98
Ruth Butterworth	Assistant clerk	3,148.98
George R. Stewart	Counsel	4,205.61
Emily Belser	Assistant clerk January 1 to March 31, 1951.	1,031.24
Marie E. Herda	Assistant clerk April 1, to June 30, 1951.	1,212.34

Funds authorized or appropriated for committee expenditures $2,000
Amount expended from January 1 to June 30, 1951 7.60

Balance unexpended as of 1,992.40

JOHN L. MCMILLAN,
Chairman.

JULY 14, 1951.

COMMITTEE ON EDUCATION AND LABOR

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive,

together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Fred G. Hussey	Chief clerk	$5,422.98
John S. Forsythe	General counsel	5,422.98
David N. Henderson	Assistant General counsel (Jan. 19 to June 30, 1951).	4,880.67
Russell Derrickson	Investigator (Apr. 16 to June 30, 1951).	2,259.57
John O. Graham	Minority clerk	5,422.98
Charles A. Quattlebaum.	Research specialist (Jan. 1 to Apr. 15, 1951).	2,227.47
Mary Pauline Smith	Assistant clerk	2,728.92
Mary E. Gilbert Sanders	do	2,728.92
Barbara A. White	do	2,728.92
Kathryn Kivett	do	2,728.92
Myrtle S. Locher	Assistant clerk (minority).	2,728.92

Funds authorized or appropriated for committee expenditures	$30,000.00
Amount expended from Jan. 1 to June 30, 1951	1,318.16
Balance unexpended as of June 30, 1951	28,681.84

GRAHAM A. BARDEN,
Chairman.

JUNE 30, 1951.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 4, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas A. Kennedy	General counsel	$5,422.98
William A. Young	Staff director	5,422.98
Christine Ray Davis	Chief clerk	5,422.98
Martha C. Roland	Assistant chief clerk	4,896.90
J. Robert Brown	Research analyst	3,975.20
Hazel Bayer	Research analyst-investigator, minority (Mar. 19 to June 15, 1951).	2,199.76
Annabell Zue	Minority clerk	3,859.98
Dolores Fel'Dotto	Clerk-stenographer	3,148.98
Olive Willeroy	do	3,148.98
Teresa Barrett	Clerk-typist (Jan. 4 to Mar. 31, 1951).	995.13

Appropriation (H. Res. 124)		$210,000.00
Expenses from Jan. 4–June 30, 1951:		
Full committee	$1,112.31	
Public Accounts Subcommittee, Congressman FRANK KARSTEN, chairman	1,793.07	
Federal Relations With International Organizations Subcommittee, Congressman HENDERSON LANHAM, chairman	3,096.49	
Executive and Legislative Reorganization Subcommittee, Congressman CHET HOLIFIELD, chairman	8,154.28	
Inter-Governmental Relations Subcommittee, Congressman HERBERT C. BONNER, chairman	8,039.40	
Government Operations Subcommittee, Congressman PORTER HARDY, JR., chairman	28,167.28	
Total spent from Jan. 4 to June 30, 1951		50,362.83
Total unexpended July 1, 1951		159,637.17

	Total gross salary during 6-month period
Expenses of full committee:	
United Air Lines, Inc., deposit to establish air travel	$425.00
United Air Lines, Inc., plane fare for Congressman CLARE E. HOFFMAN	79.70
Telephone	151.35
Stationery supplies	456.26
Total	1,112.31
Public Accounts Subcommittee, Congressman FRANK KARSTEN, Chairman:	
General Accounting Office, reimbursement for salary of Harry E. Harper from March 10–June 30, 1951	1,788.42
Telephone	4.65
Total	1,793.07
Federal Relations With International Organizations Subcommittee, Congressman HENDERSON LANHAM, chairman: Franklin D. Rodgers, Jr., Clerk	3,096.49
Executive and Legislative Reorganization Subcommittee, Congressman CHET HOLIFIELD, chairman:	
National Industrial Conference Board, for book	1.25
Herbert Roback, staff director	5,056.54
Dorothy D. Morrison, clerk	3,096.49
Total	8,154.28
Inter-Governmental Relations Subcommittee, Congressman HERBERT C. BONNER, chairman:	
John H. W. Small, clerk	2,954.07
Cora L. Harris, stenographer, May 1 to June 30	759.98
Edith Gordon, stenographer, Mar. 1 to Apr. 30	687.56
Truman Ward, mimeographing	7.50
Expenses of witnesses appearing before subcommittee:	
Paul J. Jarvis	100.37
Harvey Brenner	53.20
Charles Shepler	106.36
Wayne Ladd	104.68
Sinclair Robinson	41.05
Morris Green	95.80
Max Rappaport	143.32
Seymour Green	336.19
Ward & Paul, photostating	56.30
Expenses for group making investigation re surplus property disposal by the Armed Forces at Fort McPherson, Atlanta General Depot, Fort Bragg and Pope Field, Mar. 20–24, 1951	242.90
Expenses for group making investigation into cataloging, space control and surplus property disposition, April 24 to May 4, 1951	2,066.07
Expenses for group making investigation and holding hearings at Peru, Ind., re Bunker Hill, June 24 to June 26, 1951	284.05
Total	8,039.40
Government Operations Subcommittee, Congressman PORTER HARDY, JR., chairman:	
Carlotta Dondero, stenographer, Jan. 4–15, 1951	127.85
Carl H. Monsees, staff director, Jan. 4 to Apr. 30, 1951	3,452.55
John C. Vick, administrative analyst	2,099.50
Charles A. Miller, administrative analyst	4,135.52
Frances G. Hardy, research clerk	2,526.80
Mildred Lang, clerk-stenographer, Jan. 4 to Apr. 30, 1951	1,387.80
Alice Cravetts, stenographer, Jan. 12 to June 30, 1951	1,596.65
Eugene Sullivan, legal assistant, Feb. 12 to June 30, 1951	1,592.84
William A. Brewer, administrative assistant, Mar. 1 to June 30, 1951	1,942.41
Sylvia Swartzel, clerk-stenographer, Apr. 12 to June 30, 1951	794.05
Thomas G. Fleming, administrative assistant, May 1 to June 30, 1951	1,471.00
Stephen D. Carnes, Jr., reimbursement for services as special adviser in study of National Service Life Insurance, Jan. 16–26, 1951	166.88
Gordon Pickett Peyton, for expense and salary in accordance with agreement to act as special counsel, Jan. 15 to June 26, 1951	1,134.00
General Accounting Office, reimbursement for salary of Ralph E. Casey for period Jan. 4 to June 30, 1951	5,250.90
United Air Lines, Inc.	57.50
Pennsylvania R. R. Co.	62.85
Atlantic Coast Line	6.10
Government Operations, etc.—Con.	
Reimbursement of expenses for taxi fares and travel:	
Ralph E. Casey	13.75
Carl H. Monsees	66.30
Edward P. Schaffer	139.96
William A. Brewer	6.62
Frances G. Hardy	29.80
John C. Vick	17.70
Charles A. Miller	40.00
Telephone	23.95
Truman Ward, mimeographing	24.00
Total	28,167.28

WILLIAM L. DAWSON,
Chairman.

JULY 10, 1951.

COMMITTEE ON FOREIGN AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator and committee clerk.	$5,422.98
Ira E. Bennett	Staff consultant (served on regular committee staff until Apr. 5, 1951).	2,831.99
Sheldon Z. Kaplan	Staff consultant	5,422.98
George Lee Millikan	do	5,422.98
Roy J. Bullock	Staff consultant (service began Mar. 12, 1951).	3,283.90
Albert C. F. Westphal	Staff consultant (service began Apr. 5, 1951).	2,590.96
June Nigh	Staff assistant	2,859.30
Winifred G. Osborne	do	3,076.56
Doris Leone	Staff assistant (resigned Apr 30, 1951).	1,906.20
Mabel Wofford	Staff assistant	2,859.30
Mary G. Chace	do	3,583.50
Helen C. Mattas	Staff assistant (service began May 1, 1951).	953.10

Funds authorized or appropriated for committe expenditures	$75,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 1 to June 30, 1951	2,629.93
Total amount expended from Jan. 1 to June 30, 1951	2,629.93
Balance unexpended as of July 1, 1951	72,370.07

JAS P. RICHARDS,
Chairman.

JULY 2, 1951.

COMMITTEE ON HOUSE ADMINISTRATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive,

together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Lea Booth	Clerk, Committee on House Administration.	$1,896.35
Marjorie Savage	Assistant clerk, Committee on House Administration.	4,413.00
Jack Watson	do	4,274.76
Lura Cannon	do	3,004.14
Ruth P. Bradley	do	1,779.25
Maureen B. Sandiford	do	500.69
Merle Harris	do	133.44

Funds authorized or appropriated for committee expenditures ..... None

Total amount expended ..... None
Balance unexpended as of ..... None

THOS. B. STANLEY,
Chairman.

JULY 11, 1951.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
CLERICAL STAFF		
Elton J. Layton	Clerk	$5,422.98
Glenn R. Ward	Assistant clerk (Jan. 1 to Mar. 31, resigned).	1,617.93
Royice Reno	Assistant clerk	2,811.02
Harold W. Lincoln	Assistant clerk (from Apr. 1).	1,393.44
Georgia G. Glassmann.	Assistant clerk-stenographer.	2,523.75
Helen A. Grickis	do	2,436.87
Frances G. Ward	Assistant clerk-stenographer (authorized by H. Res. 157) (from Jan. 1-3).	35.10
Elizabeth J. Gergely	Assistant clerk-stenographer (authorized by H. Res. 123) (from Apr. 1).	1,103.76
Roy P. Wilkinson	Assistant clerk	1,978.19
PROFESSIONAL STAFF		
Arlin E. Stockburger	Aviation and engineering consultant.	5,422.98
Andrew Stevenson	Expert	5,422.98
Kurt Borchardt	Professional assistant.	5,422.98
Sam G. Spal	Research specialist	5,048.94

Funds authorized or appropriated for committee expenditures (funds authorized under H. Res. 157, 81st Cong.) $60,000.00

Amount of expenditures previously reported 21,622.73
Amount expended from Jan. 1 to 3, 1951 ..... 78.72

Total amount expended from Jan. 1, 1949, to Jan. 3, 1951 ..... 21,701.45
Balance unexpended as of Jan. 3, 1951 ..... 38,298.55

Funds authorized or appropriated for committee expenditures (funds authorized under H. Res. 123, 82d Cong.) $40,000.00

Amount of expenditures previously reported ..... ---
Amount expended from Jan. 3 to June 30, 1951 ..... 1,305.36

Total amount expended from Jan. 3 to June 30, 1951 ..... 1,305.36
Balance unexpended as of June 30, 1951 ..... 38,694.64

ROBERT CROSSER,
Chairman.

JULY 12, 1951.

COMMITTEE ON THE JUDICIARY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Dick, Bess Effrat	Chief clerk	$5,422.98
Bernhardt, C. Murray	Committee counsel	5,422.98
Besterman, Walter M.	Legislative assistant	5,422.98
Foley, William R.	Committee counsel	5,422.98
Lee, Walter R.	Legislative assistant	5,422.98
Smedley, Velma	Assistant chief clerk	5,422.98
Benn, Violet T.[1]	Clerical assistant	3,148.98
Baker, Mabel C.	Clerk-stenographer	2,352.34
Berger, Anne J.	do	2,678.22
Christy, Frances	do	2,497.20
Goldsmith, Helen[2]	Clerical assistant	3,476.51
Hahn, Jane[1]	Clerk-stenographer	2,497.20
Kaslow, Berta	do	3,859.98

[1] Pursuant to H. Res. 464, 81st Cong.
[2] Appointed Jan. 3, 1951.

1. FUNDS FOR PREPARATION OF U. S. CODE AND REVISION OF THE LAWS

A. Preparation of new edition of U. S. Code (no year): Unexpended balance Dec. 31, 1950 ..... $144,757.47
Expended 57,989.35

Balance June 30, 1951 ..... 86,768.12

B. Revision of the Laws, 1951:
Unexpended balance Dec. 31, 1950 ..... 7,177.02
Expended 6,922.98

Balance June 30, 1951 ..... 254.04

C. Revision of the Laws, 1950: Balance Dec. 31, 1950 (to be returned to Treasury) 66.87

D. Preparation of new edition District of Columbia Code (no year):
Unexpended balance Dec. 31, 1950 ..... 30,000.00
Expended 563.06

Balance June 30, 1951 ..... 29,436.94

SUBCOMMITTEE ON STUDY OF MONOPOLY POWER

Statement of expenses of Subcommittee on Study of Monopoly Power of the House Committee on the Judiciary, pursuant to authorization of House Resolution 95, for the period January 4, 1951 to June 30, 1951. (Includes salaries paid under H. Res. 137, 81st Cong., for the period Jan. 1 through Jan. 3, 1951.)

Salaries (appointed employees):
Robert H. Amidon $1,182.00
Eileen R. Browne 2,696.32
Peter S. Craig 229.00
E. Ernest Goldstein 1,807.66
Virginia H. North 1,604.02
Sally Rolette 522.07
John Paul Stevens 2,470.45
Veronica Strozak 1,148.35
Jerrold Walden 3,258.68
John F. Woog 1,396.04

Total 16,294.59

Salaries—reimbursable $4,851.2
Other expenses 4,913.8

Total expenses Jan. 1 to June 30, 1951 ..... 26,059.64

Amount of funds appropriated, 82d Cong 75,000.00
Amount of expenses vouchered, 82d Cong 25,706.26

Balance in fund 49,293.74

EMANUEL CELLER,
Chairman.

JULY 11, 1951.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Drewry	General counsel	$5,422.98
Thomas F. Flynn, Jr.	Assistant counsel	4,252.82
Reginald S. Losee	Chief investigator	4,482.12
Gus S. Caras	Investigator to the minority.	4,482.12
Frances Still	Chief clerk	4,724.04
Madonna Haworth	Assistant clerk	3,004.14
Leonard P. Pliska	Clerk to the minority	3,004.14
Lucile P. Lamon	Secretary	2,288.43
Total		31,660.79

EDW. J. HART,
Chairman.

JULY 10, 1951.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
George M. Moore	Chief counsel	$5,422.98
Frederick C. Belen	Counsel	5,422.98
John B. Price	Staff assistant	3,148.98
Lucy K. Daley	Assistant clerk	2,931.72
Elayne M. Hoffman	Secretary	2,569.62
Lillian Hopkins	do	2,569.62
Ann Hayden	Stenographer	2,424.78

Funds authorized or appropriated for committee expenditures ..... None

TOM MURRAY,
Chairman.

JULY 2, 1951.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946,

Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas E. Massie	Counsel	$723.98
Joseph H. McGann, Sr.	Clerk	723.98
Robert F. McConnell	Assistant clerk	548.97
Joseph H. McGann, Jr.	do	3,390.38
Mrs. Margaret R. Beiter.	Clerk-stenographer	464.48
Miss Mary Elizabeth McBee.	do	464.18
Mrs. Helen Dooley	do	464.18
Joseph H. McGann, Sr.	Chief clerk	4,519.15
Mrs. Alice B. Norton	Clerk	3,533.50
Robert F. McConnell	Professional staff assistant.	4,519.15
Charles G. Tierney	Counsel professional staff.	4,519.15
Mrs. Margaret R. Beiter.	Assistant clerk	2,925.90
Mrs. Helen Dooley	do	2,925.90
Florence Palmer	do	2,925.90

Funds authorized or appropriated for committee expenditures	$20,000.00
Amount expended from May 31, 1951, to June 30, 1951	2,048.94
Balance unexpended as of June 30, 1951	17,951.06

CHARLES A. BUCKLEY,
Chairman.

JULY 3, 1951.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Humphrey S. Shaw	Chief clerk	$5,422.26
T. Howard Dolan	Assistant clerk	3,998.22
Richard R. Haas	Assistant to the clerk.	3,776.09
Elliodor M. Libonati	Assistant clerk	3,148.98
Jane Snader	Minority clerk	3,148.98

Funds authorized or appropriated for committee expenditures.....None

A. J. SABATH,
Chairman.

JULY 1, 1951.

COMMITTEE ON UN-AMERICAN ACTIVITIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1951, to July 1, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

EMPLOYEES PAID BY VOUCHER

Name of employee	Profession	Total gross salary during 6-month period
William A. Wheeler	Investigator	$4,658.57
C. E. Owens	do	4,335.61
C. E. McKillips	do	4,023.77
James A. Andrews	do	3,774.93
Wm. Jackson Jones	do	4,067.52
Alvin W. Stokes	do	3,999.51
Robert Barker	do	1,882.44
Raphael I. Nixon	Director of research	3,792.70
Lillian Howard	Research clerk	2,740.02
Helen Mattson	do	2,882.34
Mary Ann Mericle	do	2,384.37
Asselia Poore	do	2,954.13
Blanche McCall	Liaison director	2,386.80
Pearle Gay	Clerk-stenographer	2,384.37
Sidney Phillips	do	2,241.96
Jane Collins	do	2,250.24
Lorraine Nichols	do	2,384.37
Rose Sanko	do	2,384.37
Ruth Tansill	do	2,384.37
Kathryn Zimmerman	do	1,498.26
E. Katheryn Smith	Research clerk	905.98
Virginia McCraw	Clerk-typist	2,099.58
Alyce Gartrell	do	2,384.37
Lucille Fitzgerald	do	2,384.37
Catherine Crews	do	2,384.37
Eileen Sonnett	do	2,241.96
Alice Walker	do	2,384.37
Gladys Slack	do	2,241.96
Annie Merle Holton	do	1,067.58
Josephine Sheetz	Switchboard operator.	888.80
Penn McWhorter	Stock clerk	235.99
Samuel Pikey	Assistant to clerk	1,323.26

EMPLOYEES CARRIED ON PERMANENT PAYROLL

Frank S. Tavenner, Jr.	Committee counsel	$5,423.04
Thomas Beale	Assistant counsel	2,604.26
Louis J. Russell	Senior investigator	5,423.04
John W. Carrington	Clerk of committee	5,242.04
Benjamin Mandel	Director of research (resigned Mar. 1, 1951).	1,681.68
Donald T. Appell	Investigator	5,173.38
Ann D. Turner	File chief	4,067.34
Carolyn Roberts	Assistant file chief	3,004.20
Rosella A. Purdy	Secretary to counsel	3,533.00
Thelma Scearce	Secretary to senior investigator.	3,245.54
Juliette Joray	Secretary to clerk	2,714.46

Funds authorized or appropriated for committee expenditures (H. Res. 42, Feb. 9, 1951)	$200,000.00
Total amount expended from Jan. 3, 1951 to July 1, 1951	101,592.16
Balance unexpended as of July 1, 1951	98,407.84

JOHN S. WOOD,
Chairman.

JULY 2, 1951.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
PROFESSIONAL STAFF		
George H. Soule [1]	Technical consultant (mines and mining).	$2,711.49
Preston E. Peden	Committee counsel	5,422.98

[1] Period January, February and March.

Name of employee	Profession	Total gross salary during 6-month period
PROFESSIONAL STAFF—CON.		
James K. Carr [2]	Technical consultant (irrigation and reclamation).	$2,711.49
James R. Queen [3]	Consultant (mines and mining).	4,311.15
William H. Hackett [3]	Consultant (Territories and insular possessions).	4,311.15
CLERICAL STAFF		
Claude E. Ragan	Clerk	5,422.98
Virginia McMichael	Assistant to the chairman.	5,261.71
Nancy J. Arnold	Minority clerk	3,721.74
Geraldine Eaker	Clerk	2,786.88
Ruth I. Timmony [4]	do	1,832.04
Elizabeth Angus	do	2,243.76

[2] Appointed Apr. 1, 1951.
[3] Appointed Feb. 1, 1951.
[4] Appointed Feb. 15, 1951.

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	0
Amount expended from Feb. 2 to June 30	8,563.28
Balance unexpended as of June 30, 1951	41,436.72

JOHN R. MURDOCK,
Chairman.

JUNE 12, 1951.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Ida Rowan	Chief clerk	$5,422.98
Edwin B. Patterson	Professional aide	5,422.98
Casey M. Jones	do	5,422.98
Karl Standish	do	5,422.98
Paul K. Jones	Assistant clerk	4,551.24
Frances Montanye	Clerk-stenographer	2,569.62
George J. Turner	Assistant clerk	2,497.20
Alice V. Matthews	Clerk-stenographer	2,569.62
Noah S. Sweat, Jr.	Assistant clerk	3,148.98

Funds authorized or appropriated for committee expenditures.....None

J. E. RANKIN,
Chairman.

JULY 11, 1951.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles W. Davis	Clerk (C)	$5,422.98
Leo H. Irwin	Professional assistant (P).	4,032.78
Harriet B. Lamb	Staff assistant (C), Jan. 1 to June 17, 1951.	2,048.09
Doris C. Mickelson	Staff assistant (C)	2,207.52
Betty R. Hill	Staff assistant (C), June 4 to 30, 1951.	287.65
Anne Gorden	Staff assistant (C), June 11 to 30, 1951.	221.13
Jane Gardner	Staff assistant (C), June 18 to 30, 1951.	138.51
Jeannine S. Coble	Staff assistant (C)	1,658.55
Rose Anne Cerne	Clerk-stenographer (C), Mar. 1 to May 31, 1951.	995.13
Gordon Grand, Jr.	Minority adviser (P).	5,242.50
Susan Alice Taylor	Minority stenographer (C).	2,377.68
Hughlon Greene	Messenger	1,425.42
Harry Parker	do	1,381.92
Rudolph P. Crouch	Messenger, Jan. 1 to Apr. 30, 1951.	893.20
Walter B. Little	Messenger, May 6 to June 30, 1951.	409.36

R. L. DOUGHTON,
Chairman.

JULY 12, 1951.

SUBCOMMITTEE ON ADMINISTRATION OF THE INTERNAL REVENUE LAWS

(Pursuant to H. Res. 153)

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Adrian W. DeWind	Professional services as counsel (voucher submitted for services, first quarterly installment.)	$3,750.00
Charles S. Lyon	Assistant Counsel (P) (May 21, 1951 to June 30, 1951), (Paid from regular Committee payroll).	995.99
Donald A. Schapiro	Assistant Counsel (P) June 6, 1951 to June 30, 1951).	622.51
James W. Dowling	Chief Investigator (June 25, 1951 to June 30, 1951).	149.40
Beatrice B. Daly	Staff Assistant (May 21, 1951 to June 30, 1951).	490.56
Grace Good	Staff Assistant (June 25, 1951 to June 30, 1951).	67.30
Leonard Lehman	Staff Assistant (June 25, 1951 to June 30, 1951).	34.75
James E. Riley	Staff Assistant (June 18, 1951 to June 30, 1951).	75.23
Alan S. Rosenberg	Staff Assistant (June 19, 1951 to June 30, 1951).	69.45
Henry C. Shayewitz	Staff Assistant (June 18, 1951 to June 30, 1951).	75.23
Daniel L. Skoler	Staff Assistant (June 21, 1951 to June 30, 1951).	57.87
Howard Solomon	Staff Assistant (June 18, 1951 to June 30, 1951).	75.23

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	0
Total amount expended from Jan. 1, 1951 to June 30, 1951	5,837.65
Balance unexpended	44,162.35

R. L. DOUGHTON,
Chairman.

JULY 15, 1951.

SELECT COMMITTEE TO INVESTIGATE THE USE OF CHEMICALS IN FOOD PRODUCTS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Vincent A. Kleinfeld	Chief counsel	$3,003.41
Alvin L. Gottlieb	Associate counsel	481.03
Camille O'Reilly Agnew.	Clerk	1,326.84
Esther N. Schweigert	Secretary	864.41
Franklin C. Bing	Technical consultant, WAE.	150.63
Lester Uretz	Associate counsel (2 days in January).	50.28
Lois Fisher	Stenographer (7 days in May).	84.13
Total		5,960.73

Funds authorized or appropriated for committee expenditures	$75,000.00
Amount of expenditures previously reported	None
Amount expended	None
Total amount expended from Jan. 3 to June 30, 1951	7,234.37
Balance unexpended as of June 30, 1951	67,765.63

JAMES J. DELANEY,
Chairman.

JULY 9, 1951.

SELECT COMMITTEE TO INVESTIGATE EDUCATIONAL, TRAINING, AND LOAN GUARANTY PROGRAMS UNDER THE GI BILL

(H. Res. 474, 81st Cong., and H. Res. 93, 82d Cong.)

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
George W. Fisher	Chief clerk	$1,919.86
Josephine Frick	Stenographer	2,087.01
James E. Flannery	Research analyst	2,786.86
Arthur Perlman	Investigator	1,544.24
George M. Rose	Staff member	3,511.07
Irene Wade	Stenographer	2,504.42
Bill J. Williams	Investigator	2,956.05
Harry Hageney	do	2,650.27
Richard V. Kelly	do	2,128.56
E. R. Ferguson, Jr.	General counsel	2,229.12
Oliver E. Meadows	Chief clerk	1,878.15
Walton Woods	Investigator	751.25
Helen A. Wright	Stenographer	759.90

Funds authorized or appropriated for committee expenditures	$90,000.00
Amount of expenditures previously reported	14,360.48
Amount expended from Jan. 1, to June 30, 1951	42,556.84
Total amount expended from Jan. 1 to June 30, 1951	42,556.84
Balance unexpended as of June 30, 1951	[1] 33,082.68

[1] Of which $8,815.54 is unexpended funds from H. Res. 474; balance unexpended from H. Res. 93, $24,267.14.

OLIN E. TEAGUE,
Chairman.

JULY 9, 1951.

SELECT COMMITTEE TO INVESTIGATE EDUCATIONAL AND TRAINING PROGRAM UNDER GI BILL

(H. Res. 474, 81st Cong.)

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the period from January 1, 1951, to January 3, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during period
George W. Fisher	Chief clerk	$62.60
Josephine Frick	Stenographer	41.73
James E. Flannery	Research analyst	46.44
Arthur Perlman	Investigator	62.60
George M. Rose	Staff member	58.51
Irene Wade	Stenographer	41.73

Funds authorized or appropriated for committee expenditures	$30,000.00
Amount of expenditures previously reported	14,360.48
Amount expended from Jan. 1 to Jan. 3, 1951	6,823.98
Total amount expended from Sept. 22, 1950, to Jan. 3, 1951	21,184.46
Balance unexpended as of Jan. 3, 1951	8,815.54

OLIN E. TEAGUE,
Chairman.

JULY 9, 1951.

SELECT COMMITTEE TO INVESTIGATE EDUCATIONAL, TRAINING, AND LOAN GUARANTY PROGRAMS UNDER THE GI BILL

(H. Res. 93, 82d Cong., 1st sess.)

TO THE CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 3, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
George W. Fisher	Chief clerk	$1,857.26
James E. Flannery	Research analyst	2,740.42
Josephine Frick	Stenographer	2,045.28
Arthur Perlman	Investigator	1,481.64
George M. Rose	Staff member	3,452.56
Irene Wade	Stenographer	2,462.69
Bill J. Williams	Investigator	2,956.05
Harry Hageney	do	2,650.27
Richard V. Kelly	do	2,128.56
E. R. Ferguson, Jr.	General counsel	2,229.12
Walton Woods	Investigator	751.25
Helen A. Wright	Stenographer	759.90

Funds authorized or appropriated for committee expenditures	$60,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 3 to June 30, 1951	35,732.86
Total amount expended from Jan. 3 to June 30, 1951	35,732.86
Balance unexpended as of June 30, 1951	24,267.14

OLIN E. TEAGUE,
Chairman.

JULY 16, 1951.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134 (b) of the Legislative Reorganization Act of 1946, Public Law 601, Seventy-ninth Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 4, 1951, to June 30, 1951, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Duncan Clark	Research analyst	$3,795.65
Jean C. Curtis	Clerk	2,462.83
Victor P. Dalmas	Executive director	5,332.59
Jane M. Deem	Secretary	1,762.88
Mildred Deen	Stenographer	413.97
Clarence D. Everett	Investigator	3,218.49
Richard R. Haas	Research assistant	71.19
Rowan F. Howard	Special investigator	399.30
Louise Kauffman	Stenographer	1,070.35
Arthur F. Lucas	Economist	1,360.62
Laverne Maynard	Stenographer	2,393.28
Bertha A. Padgett	Clerk	91.68
Jeremiah T. Riley	Investigator	1,151.58
Mary Shaw	Stenographer	1,070.35
Mary Nell Snow	Typist	98.88
M. Elizabeth Soper	Stenographer	2,035.43
Ernest L. Stockton	Research analyst	4,475.38
Harriet B. Whitney	Stenographer	1,385.16
Wanita Wilson	do	1,644.43
Total		34,234.04

Funds authorized or appropriated for committee expenditures	$100,000.00
Amount of expenditures previously reported	None
Amount expended from Jan. 4 to June 30	50,368.15
Balance unexpended as of June 30, 1951	49,631.85

WRIGHT PATMAN,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

649. A letter from the Assistant to the Military Director for Supply Management, Munitions Board, transmitting the Second Joint Report on the Federal Catalog Program, pursuant to House Concurrent Resolution 97 (81st Cong., 2d sess.); to the Committee on Armed Services.

650. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1952 in the amount of $950,000 for the Department of Justice (H. Doc. No. 207); to the Committee on Appropriations, and ordered to be printed.

651. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1952 in the amount of $6,500,000 for the Department of Justice (H. Doc. No. 208); to the Committee on Appropriations, and ordered to be printed.

652. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal and lists or schedules covering records proposed for disposal by certain Government agencies; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITAKER: Committee on Post Office and Civil Service. S. 1246. An Act to amend certain laws relating to the submission of postmasters' accounts under oath, and for other purposes; without amendment (Rept. No. 768). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'HARA: Committee of Conference. H. R. 2321. A bill to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs (Rept. No. 769). Ordered to be printed.

Mr. SPENCE: Committee of Conference. S. 1717. An act to amend and extend the Defense Production Act of 1950 and the Housing and Rent Act of 1947, as amended (Rept. No. 770). Ordered to be printed.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 1005. A bill to amend the Tariff Act of 1930 to provide for the free importation of twine used for bailing hay, straw, and other fodder and bedding material; with amendment (Rept. No. 771). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H. R. 4973. A bill to provide that no furniture, equipment, or supplies shall be furnished to any Member of Congress except upon his specific written request; to the Committee on House Administration.

By Mr. BONNER:

H. R. 4974. A bill to provide for the addition of certain Government lands to the Cape Hatteras National Seashore Recreational Area project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MORRIS (by request):

H. R. 4975. A bill to continue service-connected tubercular total disability ratings of certain veterans in certain instances; to the Committee on Veterans' Affairs.

By Mr. SITTLER:

H. R. 4976. A bill to prescribe the weight to be given to evidence of tests of alcohol in the blood, urine, or breath of persons tried in the District of Columbia for certain offenses committed while operating vehicles; to the Committee on the District of Columbia.

By Mr. WALTER:

H. R. 4977. A bill to amend 338 (a) of the Nationality Act of 1940, as amended; to the Committee on the Judiciary.

By Mr. RABAUT:

H. R. 4978. A bill to provide for the establishment of a Food and Drug district office at Detroit, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOGGS of Louisiana:

H. R. 4979. A bill to provide for conveyance of certain land to the city of New Orleans; to the Committee on Armed Services.

By Mr. ELLIOTT:

H. R. 4980. A bill to authorize payments by the Administrator of Veterans' Affairs on the purchase of automobiles or other conveyances by certain disabled veterans who served during World War II, and persons who served in the military, naval, or air service of the United States on or after June 27, 1950, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. ST. GEORGE:

H. R. 4981. A bill to provide a cost-of-living pay increase for officers and employees of the United States; to the Committee on Post Office and Civil Service.

By Mr. HOLMES:

H. J. Res. 298. Joint resolution requiring the Atomic Energy Commission to submit a plan to the Congress providing for the establishment of local self-government for the city of Richland, Hanford Works, Washington, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. BATTLE:

H. J. Res. 299. Joint resolution to require that all Government publications be inscribed with the motto "In God We Trust"; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By Mr. RABAUT: Memorial of Michigan State Legislature memorializing the Congress of the United States to enact into legislation H. R. 4526, or similar legislation, providing readjustment allowances for certain unemployed former members of the Armed Forces: to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H. R. 4982. A bill for the relief of Joseph Miele; to the Committee on the Judiciary.

By Mr. BATTLE:

H. R. 4983. A bill for the relief of Mrs. Josephine Ethridge; to the Committee on the Judiciary.

By Mr. BRAY:

H. R. 4984. A bill for the relief of Jean M. Christens; to the Committee on the Judiciary.

By Mr. BUCKLEY:

H. R. 4985. A bill for the relief of Soichiro Inouye; to the Committee on the Judiciary.

By Mr. DEVEREUX:

H. R. 4986. A bill to authorize the appointment of Dante Vezzoli as an officer in the Regular Army; to the Committee on Armed Services.

By Mr. FARRINGTON:

H. R. 4987. A bill for the relief of James L. Curry and Phoebe Curry; to the Committee on the Judiciary.

H. R. 4988. A bill for the relief of Noriko Okazaki; to the Committee on the Judiciary.

H. R. 4989. A bill for the relief of Toshiko Nakai; to the Committee on the Judiciary.

By Mr. HEDRICK:

H. R. 4990. A bill for the relief of Altoon Saprichian; to the Committee on the Judiciary.

By Mr. MORRIS:

H. R. 4991. A bill to authorize the Secretary of the Interior to issue a patent in fee to Almira Gilbreath Ramser; to the Committee on Interior and Insular Affairs.

By Mr. POULSON:

H. R. 4992. A bill for the relief of Yoko Todoroki; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H. R. 4993. A bill for the relief of Clint Lewis; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

367. Mr. HORAN presented a petition of Okanogan Union of the Women's Christian Temperance Union, Okanogan, Wash., rela-

tive to supporting legislation to prohibit alcoholic beverage advertising over the radio and television and in our magazines and newspapers, which was referred to the Committee on Interstate and Foreign Commerce.

SENATE

MONDAY, JULY 30, 1951

(Legislative day of Tuesday, July 24, 1951)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou who art the light of man's mind, with eyes of wonder we have greeted again the eternal miracle of a new day; as dawn has conquered the darkness, so rise, we pray Thee, with morning light upon our souls; let the effulgent noontide of Thy enlightening grace make clear our paths. Through the terror and tumult of these darkened days may we discern the shining path which is leading upward to the City of God, as obediently and patiently we follow the kindly light.

Lead us along treacherous and torturous ways by Thy unfailing love into more abundant life for all the world, until it shall be daylight everywhere. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 27, 1951, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 27, 1951, the President had approved and signed the following acts:

S. 260. An act to make cancer and all malignant neoplastic diseases reportable to the Director of Public Health of the District of Columbia; and

S. 367. An act for the relief of Kay Adel Snedeker.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2321) to protect consumers and others against misbranding, false advertising, and false invoicing of fur products and furs.

The message also announced that the House had passed a joint resolution (H. J. Res. 289) to terminate the state of war between the United States and the Government of Germany, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 289) to terminate the state of war between the United States and the Government of Germany was read twice by its title and referred to the Committee on Foreign Relations.

LEAVES OF ABSENCE

On request of Mr. HILL, and by unanimous consent, Mr. RUSSELL was excused from attendance on the sessions of the Senate during this week.

On request of Mr. MCFARLAND, and by unanimous consent, Mr. ANDERSON was excused from attendance on the sessions of the Senate for an indefinite period.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Attorney General of the United States, withdrawing the name of Georgette Jeane Williams from a report relating to aliens whose deportation he suspended more than 6 months ago, transmitted to the Senate on March 15, 1951; to the Committee on the Judiciary.

ADDITION OF LAND TO APPOMATTOX COURTHOUSE NATIONAL HISTORICAL MONUMENT, VA.

A letter from the Acting Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the addition of land to the Appomattox Courthouse National Historical Monument, Va., and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

SUSPENSION OF CERTAIN IMPORT DUTIES ON TUNGSTEN

A letter from the Administrator, Defense Production Administration, transmitting a draft of proposed legislation to suspend certain import duties on tungsten (with an accompanying paper); to the Committee on Finance.

REPORT OF HOUSING AND HOME FINANCE AGENCY

A letter from the Acting Administrator, Housing and Home Finance Agency, transmitting, pursuant to law, the fourth annual report of the Agency for the calendar year 1950 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON FEDERAL CATALOG PROGRAM

A letter from the Assistant to the Military Director for Supply Management, Munitions Board, transmitting, pursuant to House Concurrent Resolution 97, Eighty-first Congress, second session, the second joint report to Congress on the Federal catalog program (with an accompanying report); to the Committee on Armed Services.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Acting Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with the accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. LANGER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the VICE PRESIDENT:

An act of the Legislature of the State of Delaware, entitled "An act providing that the State of Delaware may enter into a compact with any other State for mutual helpfulness in meeting any civil defense emergency or disaster"; to the Committee on Armed Services.

Resolutions adopted by the executive board of the Iowa State Federation of Labor, relating to anti-inflation, etc.; to the Committee on Banking and Currency.

A resolution adopted by the executive board of the Iowa State Federation of Labor, favoring the enactment of legislation to increase the compensation of all Federal employees; to the Committee on Post Office and Civil Service.

A resolution adopted by the American League for an Undivided Ireland, Chicago, Ill., favoring abolition of the partitioning of Ireland; to the Committee on Foreign Relations.

A resolution adopted by the Board of Commissioners of the City of Newark, N. J., relating to the treaty of peace with Italy; to the Committee on Foreign Relations.

Resolutions adopted by the national council, Junior Order United American Mechanics, United States of North America, Inc., at Old Point Comfort, Va., relating to the signing of complete peace treaties, the genocide treaty, membership in the United Nations, and treaties; to the Committee on Foreign Relations.

FEDERAL AUTOMOTIVE EXCISE TAXES—RESOLUTION OF VERMONT STATE GRANGE EXECUTIVE COMMITTEE

Mr. AIKEN. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a resolution adopted by the Vermont State Grange executive committee at St. Johnsbury, Vt., protesting against any increases in Federal automotive excise taxes.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas H. R. 4473, a revenue bill now pending before the United States Senate, would increase the Federal gasoline tax from 1½ to 2 cents a gallon; would raise the Federal tax on automobiles from 7 to 10 percent of the manufacturers' price; and would augment the Federal levy on trucks, trailers, and all automotive parts and accessories from 5 to 8 percent of the manufacturers' listing; and

Whereas these new Federal automotive excises, if enacted, would yield $523,000,000 annually, which would be over half of the $1,000,000,000 the United States Treasury will receive each year from all excises scheduled in H. R. 4473—a most unjust, discriminatory burden for the motor-vehicle owner; and

Whereas motor-vehicle owners now pay $1,500,000,000 annually in present Federal automotive excise taxes, in addition to the heavy special State and local taxes on their motor transportation; and

Whereas farmers would be especially hard hit, for added automotive taxes would not only increase the cost of their motor transportation but would also bring increased farm operating costs because of taxes on gasoline and all repair parts and accessories, such as spark plugs, batteries, generators, etc., which are interchangeable between motor vehicles and mechanized equipment; and

Whereas the field of automotive taxation is one that should be left exclusively to the States for the maintenance and improvement